AMERICAN POLITICAL SCIENCE ASSOCIATION ISSUE

☐ Pro bono: how lawyers con themselves—and the rest of us.
☐ Gregg Easterbrook on the Air Force's follies.

The Washington Monthly

SEPTEMBER 1989/$3.00

Why is this woman selling cigarettes?

How Chris Evert, *Sports Illustrated* and network television help tobacco companies kill 1,000 people a day.

by Jason DeParle

20TH ANNIVERSARY YEAR 1989

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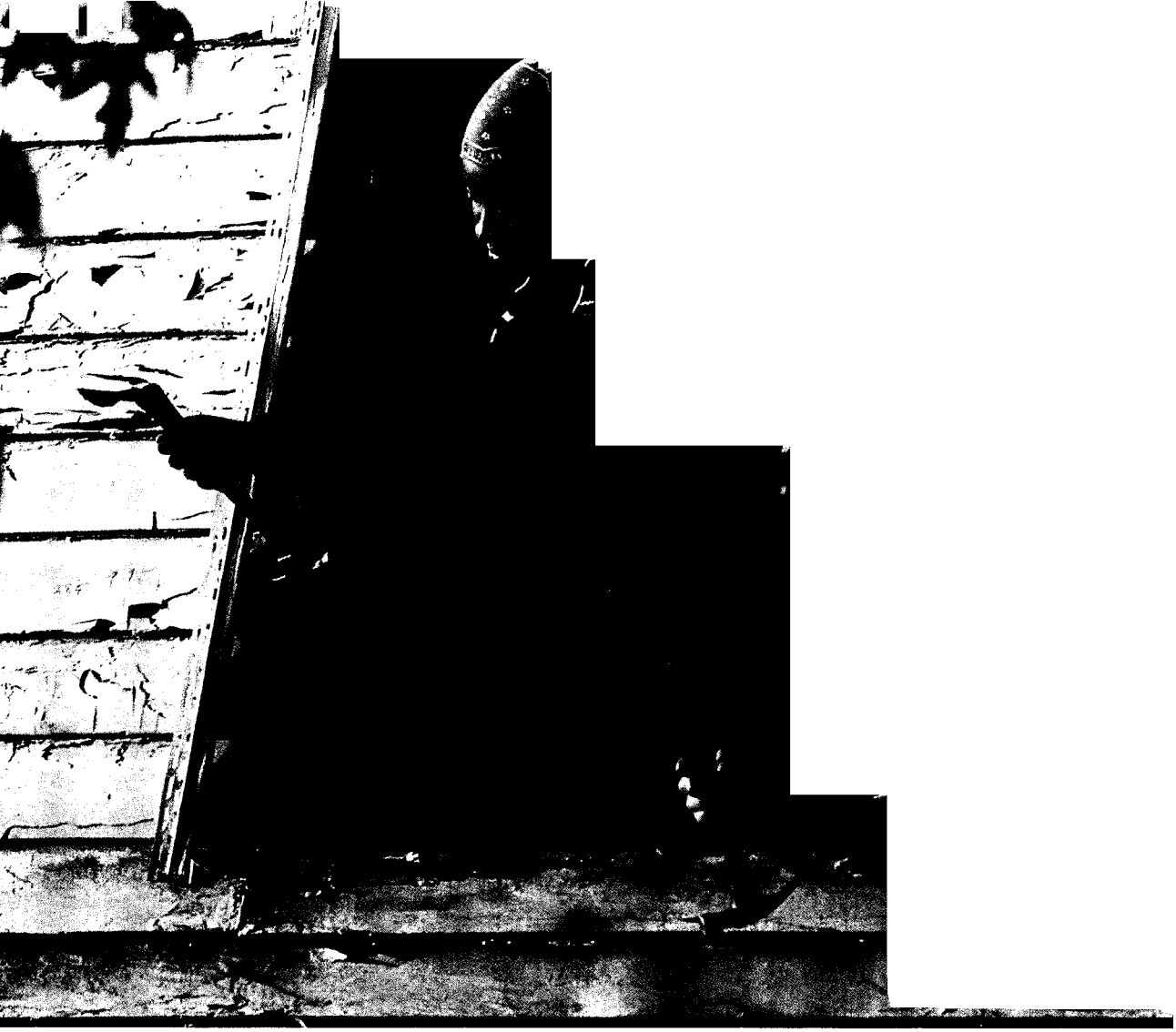

Sometimes what it takes to put a life back together is a hammer and nails.

In Lima, Ohio, a woma drives home a nail. Anc drives home a new skill. Another tears down an old wall. And tears down old defeatisr

These women are rehabilitating a neighborhood. And at the same time, they are rehabilitating themselves. They are inmates at the nearby Marysville prison who ar contributing to a neighborhood revitalization project funded, in part, by General Dynamic

They learn to replace drywall, fixtures, cabinetry, stairways, porches, siding, roofing, and more.

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The Washington Monthly

Volume Twenty-One, Number Eight September 1989

Tilting at Windmills
by Charles Peters
The Republican soul. . . beer ads for boys. . .hard hearts in Santa Cruz. . . the turkey farm at HUD. . .and other odds and ends. . . . 6

The Pro Bono Hustle
by Liza Mundy
Law firms need to pretend that their over-paid young lawyers aren't really buying into boring lives. Here's how they do it. 10

What is the Air Force Really Worried About: National Security or Job Security?
by Gregg Easterbrook
Maybe the Pentagon wants the new stealth planes because they are technological marvels that will revolutionize air warfare. Or maybe it's just that without them, the pilots might lose their jobs. 18

Take a Number and Wait
by David Shaw
Eva decided to take the INS up on its amnesty offer. Next came the bungling lawyer, the trip to Tijuana, and nearly two years of worrying about deportation. 28

Warning: Sports Stars May be Hazardous to your Health
by Jason DeParle
How athletes, sportswriters, and the networks peddle cigarettes. 34

Political Booknotes
Reviews by **Henry G. Brinton**, **Barry Werth**, **Georgann Eubanks**, and **Timothy Noah**. 54

LETTERS 2
WHO'S WHO 47
MONTHLY JOURNALISM AWARD 27
THE WORST CITY GOVERNMENT 37
POLITICAL PUZZLE 53
TIDBITS AND OUTRAGES 23
MEMO OF THE MONTH 33

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LETTERS

Returned fire

Charles Peters got off a cheap shot when he noted sardonically that only one officer was killed in the *Iowa* explosion, as compared to 46 enlisted men ["Tilting at Windmills," June]. I've never served at sea, but in ground forces the smallest unit an officer normally commands is a platoon, which, at full strength, is made up of about 40 people. If several officers had been killed in the tragedy, Peters would have complained about "our bloated, top-heavy officer corps."

LOUIS MARANO
Washington, D.C.

Your "Tilting at Windmills" in your June issue was cruel, mean, and dishonest. What does it mean? Are officers cowards? You owe every sailor, enlisted man, and officer an apology.

ALLISON MOORE
Belfast, Maine

The editor replies:

The infantry platoon example makes my point. You're more likely to be killed in an infantry platoon than in any other part of the military. The officer to enlisted man ratio is 1 to 40. For the rest of the military it is more than 1 to 10. In other words, there is a far higher proportion of officers sitting in safe positions behind the lines than there is in the front lines where the fighting is going on.

Exam bars

In the excerpt "What's Wrong with Testing" [May] from the new book by James Fallows, the author persuasively describes how many of the measures intended to foster a meritocracy instead work to entrench what can only be called a "mediocracy." As a recent law school graduate, I have little reason to believe the bar exam will measure anything beyond our ability to take the bar exam.

The piece by Garrett Epps in the same issue ["Bar Wars"] shows that the law school is particularly vulnerable to this overvaluation of test scores. For reasons beyond my ken, Epps has traded a successful career as a journalist and author for three years of law school. Here's hoping we profit from his mistake by being treated to further exploration by Epps of the themes he and Fallows raise.

TIM CONNORS
Pittsburgh, Pennsylvania

Please tell James Fallows that the moon does indeed rotate on its axis, though, as every schoolboy knows, its period of rotation is the same as its period of revolution about the Earth. Perhaps American education has been in awful shape for longer than we think.

WILLIAM LANG
Philadelphia, Pennsylvania

Muppet's revenge

Your article "The Case Against Ted Koppel" [May] would be mildly hilarious if it were not rather sad. The article violates the very principles it expounds.

The author, Matthew Miller, selects Ted Koppel (A Big Name) to skewer. And you, the editors, went along with it. But Koppel was the least of the offenders cited. The worst was obviously Peter Kilborn of *The New York Times*. But he wasn't a big enough name, right? Not big enough for a cover? So you did exactly what the article preaches against. You emphasized the big story at the expense of the *real* story!

I agree with most of Miller's conclusions. But he (and you) exhibit the darker side of journalism: warping a story for readership. I look for higher standards from *The Washington Monthly*.

HUGH WELLS
Detroit, Michigan

In 1984, I was one of the writers who worked with Ted Koppel, Jim Henson, and Frank Oz to create Muppet segments explaining economic terms for *Nightline*. I question Matthew Miller's use of an excerpt from one of those segments.

Nightline is viewed by an audience with various degrees of familiarity with economics and the stock market. It is difficult to discuss the issues if you are not certain that terms like "margin call" are understood. Based on the notion that the Muppets have the ability to explain without patronizing, Ted suggested that the Muppets tape a number of segments, each explaining a key term.

With a single exception, each of the segments we wrote and taped did just that. We provided clear, usable definitions of terms like "stock market," "bull market," "bear market," "liquidity," and "contrarian."

In the course of the taping, we thought it might be fun to include a lighter interchange between Ted and Miss Piggy (a character we had, for obvious reasons, excluded from participating in the more instructive material). It is *this* exchange from which Miller quotes.

By his selectivity, Miller has misrepresented some very good and hard work.

BILL PRADY
New York, New York

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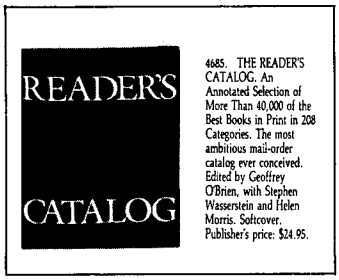

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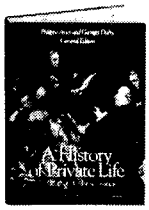

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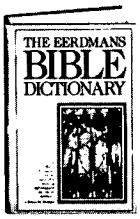

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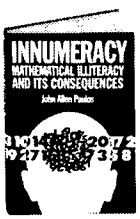

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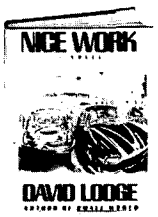

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Case closed

Suzanne Goldsmith and Katherine Boo have written a dandy little case study of what's wrong with the American political science establishment ["The Case for the Case Study," June].

The case method was central to the graduate professional program in Public Policy and Administration that I helped Columbia organize in the late 1970s. Like Harvard's Kennedy School, where I have been a guest lecturer, Columbia's School of International and Public Affairs has made great use of case studies for one reason: They motivate students more than any other teaching method. Like Harvard, Columbia has not made even greater use of case studies for just one reason: Case studies demand more of (and confer fewer rewards on) professors than any other method.

But the growth of public policy programs in the last decade has salvaged the wreckage of American political science. The training of new government officials and political leaders is too important to be left in the hands of political scientists.

FRANKLIN HAVLICEK
Washington, D.C.

Rapping papers

As the founder and former publisher of Rhode Island's *The NewPaper* (which John Eisendrath erroneously identified as the *New Times* ["Have Mac, Will Publish," June]), I found his allegation of poor editing at alternative weeklies without context.

I also dispute his contention that the alternatives are becoming part of the "Gannetting of America" because the papers share a few features or use the AAN (Association of Alternative Newsweeklies) "wire service." As Eisendrath should have realized from his survey, the papers are much more different than alike. For publications that are so often lumped together, the "50 very odd" members of AAN are more diverse than any other media group I know—or, I'll bet, that Eisendrath knows.

TY DAVIS
Edgewood, Rhode Island

In his piece on alternative newspapers, John Eisendrath refers to "Jamie Malanowski of Miami's *New Times*." I thought Malanowski was an editor for *Spy;* the article Eisendrath cites appears to have been reprinted from *Spy* or *Premiere*. Is Eisendrath wrong, or does Malanowski have an evil twin?

MARTIN MORSE WOOSTER
Silver Spring, Maryland

The editor replies:

The New Times *did not refer to* Spy *magazine in its credit line for the Malanowski piece.*

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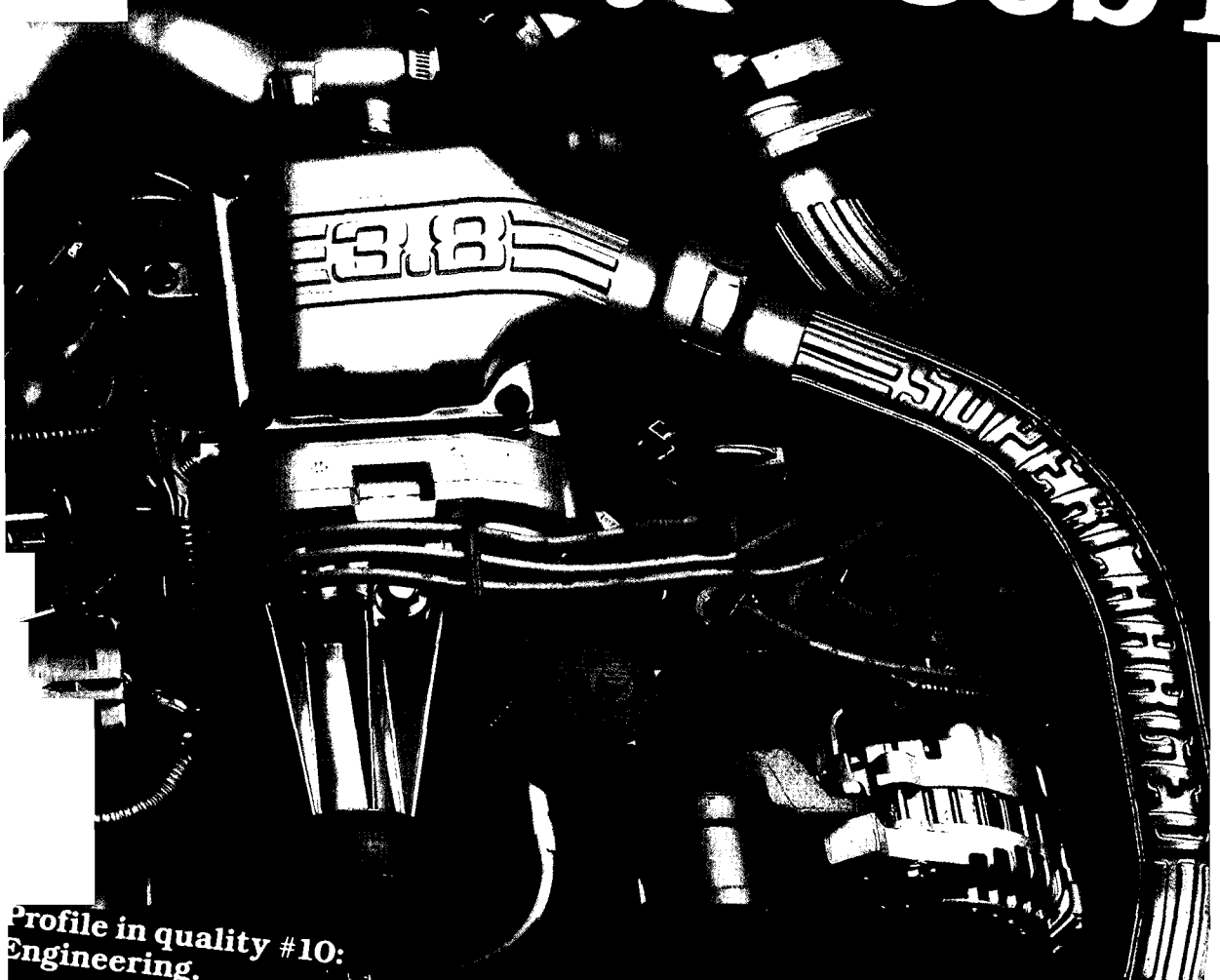

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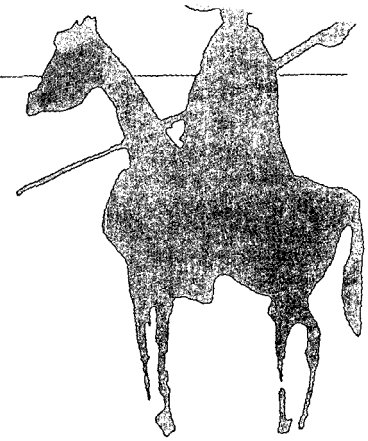

A glimpse into the Republican soul is provided by the modified Pledge of Allegiance recited by members of the Cascade County (Montana) GOP club. After "liberty and justice for all" come two new words: "including corporations.". . .

A Tokyo apartment-for-rent guide called *Apaman* has a special symbol that means "Foreigners Allowed." It is a measure of the true regard the Japanese have for the rest of us on this planet that a recent typical page of the guide contains just three of these symbols out of 66 listings. . . .

The pilot has warned you and the other passengers that the aircraft is in trouble. Now it's going in to attempt a dangerous landing. You hear the shouted command "Brace! Brace!" You start to bend over to grab your ankles in the recommended position. You can't do it! There is not enough room. In economy class the seats are too close together.

"Quite a few of the men," according to Susan White, one of the flight attendants on the DC-10 that crashed in Sioux City, "were unable to get into a brace position by leaning over and holding their ankles.". . .

Some years ago, hoping to halt the proliferation of adolescent welfare mothers, I proposed that we offer $5,000 in cash to each teenage girl who reaches adulthood without having had a child. I'm delighted to report that I now have an ally, Isabel V. Sawhill, a poverty scholar at The Urban Institute. In the summer 1989 issue of *The Public Interest*, she recommends a similar program, observing:

"There is currently no real reward. . .for those teenagers who defer childbearing. Indeed, the welfare system and the social norms in inner-city communities tilt in the other direction. . . . Relatively generous rewards may be needed to turn the situation around. . . ."

3.25 million of the people of Hong Kong are British citizens. Many of them want to move to England before the Chinese Communists take over in 1997. But Mrs. Thatcher and her government don't want them. This is obviously racist. It is also quite foolish. Since World War II, the Hong Kongers have created one of the economic miracles of the world. They have just the kind of dynamic energy Britain needs. . . .

Manhattan Lawyer recently provided some hard evidence for those of us who have suspected a certain degree of exaggeration in the claims by chief justices and other distinguished jurists that the courts are overcrowded and judges overworked. On May 9, the publication sent reporters into all 45 full-time courtrooms of the New York State Supreme Court felony trial division. They found that the average court was in session only 4 hours and 27 minutes a day. Sixty-two percent spent less than five hours in session. Forty-two percent started work after 10 a.m. No court was in session more than six hours and 35 minutes.

Perhaps the judges were busy writing opinions in their chambers. Not very likely. These are *trial* judges, not opinion-writing appellate judges. The truth is that most American judges have a soft life. What we need is not more judges but a Hong Kong work ethic on the bench. . .

If you're curious as to why the press has not done more to expose our underworked judiciary, you should realize that reporters assigned to the courts long ago figured out that the fiction of a full day of cases being tried was a handy cover for hours spent at the race track, hanging out in a bar, or writing that novel. . . .

During my late teens and early twenties, there was no subject to which I devoted more earnest study than the identification of evidence that a young woman might share my interest in physical affection. It was not an area of scientific precision, but through dedicated effort I nevertheless developed a set of clues that were reasonably helpful.

If she liked both to walk barefooted and not to wear a girdle, for instance, the situation could usually be deemed promising. But I found no guide more surely reliable than a high regard for the works of Kahlil Gibran. Because mutuality of enthusiasm was important in those situations, I must confess that I would sometimes profess an

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admiration for the Arab sage that I did not truly feel. But now it develops that if only I had studied his works more closely, my admiration might have been genuine. Thanks to a new book, *Respectfully Quoted,* published by the Congressional Research Service, I now know that he is the father of my favorite quotation:

"Are you a politician asking what your country can do for you or a zealous one asking what you can do for your country? If you are the first, then you are a parasite; if the second, then you are an oasis in the desert.". . .

If you dine at the Palm Restaurant, a favorite of Washington lobbyists, there's a good chance the waiter won't just be serving you—he'll also be serving time. Eight of the Palm's waiters were recently convicted of cheating on their income tax, failing to let the IRS know about $145,000 in tips they had received. That this case might be just the tip, so to speak, of an iceberg is suggested by the fact that the audit covered only credit card receipts and did not include gratuities received in the form of cash. It also covered only one restaurant. There are probably at least 50 fancy restaurants in Washington where waiters receive similarly lucrative income from tips and are under equally strong temptation not to confide in the IRS, especially where the hard-to-trace cash portion is concerned. Consider the hundreds of such establishments in cities like Los Angeles and New York, and the thousands elsewhere throughout the country, and you begin to understand the dimensions of the problem and of the revenue that could be gained from tough tax enforcement. . . .

Who are the liquor companies targeting as consumers? Here are a couple of clues. In a recent survey, teenage boys of the Washington area said that their favorite ads were beer commercials. In San Jose, California, there are five times as many stores and bars selling alcoholic beverages in Hispanic as in Anglo areas. . . .

For congressmen, the closest legal equivalent to straight cash bribes is the speaking fee or honorarium, as our legislative statesmen prefer to call it. The second, third, and fourth leading dispensers of honoraria are the National Association of Broadcasters, the American Bankers Association, and the American Trucking Association. Number one is, of course, the Tobacco Institute. . . .

One reason for the declining performance of government agencies is the declining quality of government employees. The people who are in make it hard for talented outsiders to get hired. Recently Senator David Pryor dispatched four interns to find out just how difficult it was to get a job. Three out of the four were treated rudely. One, for example, who asked when she would hear about her application was told "probably never.". . .

Thirty years ago, only one baby in 20 was delivered by Caesarean. Today, the figure is one in four. Since there is substantial evidence that the figure could be much lower without threatening an increase in infant mortality and since the Caesarean poses a risk of death to the mother that is two to four times higher than in normal birth, why has this form of surgery increased so dramatically?

It just might have something to do with the fact that the operation

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Roots by Walter Williams

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produces about $2,000 more income for the doctor and hospital than the normal vaginal birth. Another indication that greed may be motivating physicians is that, according to Jane Brody of *The New York Times*, "resident physicians who are salaried are much less likely to operate than private obstetricians who receive a fee for services." Also, it would seem more than coincidental that Caesareans are, according to a Los Angeles study, 73 percent more likely to be performed on women with incomes above $30,000 a year than on women earning less than $11,000. . . .

For those of you who share my concern about the shortage of the engineering students we need to regain this country's technological leadership, here's more evidence that our concerns are not baseless. I found it buried in a *New York Times* story about the son of a high Chinese official who is attending Drexel University in Philadelphia.

It seems that of Drexel's 110 full-time graduate students in electrical and computer engineering, 80 are foreigners. . . .

I am reminded by the recent publication of a biography of Maxwell Taylor that when I was deciding whether to support John Kennedy in 1960, I asked him whether he agreed with Taylor's theory of the flexible response. Younger readers will almost certainly not know what I'm talking about. I will explain.

In the 1950s, Eisenhower's secretary of state, John Foster Dulles, relied on the threat of "massive retaliation"—with nuclear weapons—to deter our enemies. The virtue of the theory was that it meant low military spending because you really didn't need much in the way of an army or navy if you were going to rely on nukes. The danger, of course, was that you would always be forced to give in to the enemy in disputes that didn't justify nuclear war. Taylor—and Kennedy, who, I discovered, was a fan of flexible response—believed that we had to have enough conventional armed strength to deal with the disputes that were important but not so crucial as to require risking the destruction of the planet.

So Kennedy, with Taylor as his chairman of the Joint Chiefs, significantly strengthened our conventional forces in the early sixties. It all seemed so thoroughly sensible, yet the unintended consequence was to bequeath to Lyndon Johnson an army capable of massive intervention in Vietnam. While Eisenhower could have sent only a division or two, Johnson was able to commit 500,000 men by the end of 1965. . . .

Of the many explanations for the HUD scandal, two that have not received enough attention involve basic prejudices of the country club conservatives who dominated the Reagan administration. One is that their contempt for social programs meant that they didn't care about the quality of people they assigned to run HUD. It was used as a turkey farm, and when that happens to a government agency—as it has over the years with the General Services Administration and the Small Business Administration—the result tends to be an agency run by knaves and fools.

The other characteristic of the country club conservatives that was a factor in creating the disaster at HUD is their ignorance of blacks. Because they don't know many black people, when they feel they have to choose one to serve the purpose of political tokenism, they can rarely rely on personal knowledge or the thorough checking out that a network of mutual friends makes possible. All they can ask is does he look okay and does he have respectable credentials. Pierce passed both these tests, but he was a miserable failure on the job. . . .

As veteran readers know, next to my hometown *Charleston* (West Virginia) *Gazette*, my favorite paper is *The San Jose* (California) *Mercury News*. I am indebted to it and to two of its writers, Gary Webb and Pat Dillon, for many of the facts in the next two items of the column. . . .

Webb tells about a correspondent who covers state government for KOVR-TV in Sacramento and who was paid $25,000 last year by the California Highway Patrol to teach CHP officers how to deal with the press, including "how to make the CHP look good" and "how to take control" of an interview. The correspondent has, it seems, been paid for several years to provide such instruction for the patrol.

There were several things that intrigued me in this story. For one, the correspondent did not think he had done anything wrong. But what fascinated me the most was the way the correspondent's contract with the police was renewed last year even though there was a lower bidder. For a second round of bidding, the CHP changed the contract specifications to require that the successful bidder have "recent experience as a TV newsperson" and "a history of frequent interaction with the California Highway Patrol or other police agencies."

Such tailoring of contract specifications is a key technique of government contracting officers who want to take care of their friends. Similar skill in drafting job descriptions is the basis of

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what is called "the Buddy system" in the civil service, under which the person who is already in makes sure that his friend is the outsider who gets hired. This is why the outstanding jobseeker who doesn't know anyone will be told he will "probably never" hear about his application. . . .

The other *Mercury News* article was a column about the town of Santa Cruz by Pat Dillon. Santa Cruz is fashionably progressive. It has announced itself to be a free port of Nicaragua. U.S. Navy ships aren't welcome because the city does not want to be "part of the Pentagon machine." It refused to host the Miss California contest because it is sexist. It chose a socialist as its mayor.

Yet it jailed Sandra Loranger because she fed the homeless. Why? Because it does not want the homeless. Its policy, says Pat Dillon, is to treat the homeless like stray dogs: "Discourage them. Don't pet them. Don't feed them. Don't make eye contact. They'll leave your doorstep and won't come back."

Several years ago I ran into a group of this kind in another California town, Santa Monica. I was part of a mostly liberal panel of speakers who were generously applauded when we adhered to the conventionally progressive line. But I noticed there weren't many hands clapping when I called on the affluent to do their fair share of service in the armed forces or organizations like the Peace Corps. They were even less pleased when I suggested that the affluent should not receive social security beyond what they and their employer had paid for plus interest; that it was unfair to expect struggling young wage earners to pay for other's Caribbean cruises through social security taxes that had to be paid regardless of how impoverished the worker might be. . . .

The latest cycle of this selfishness at work is the great protest movement among the affluent elderly, liberal and conservative alike, against the medicare surtax. The tax finances catastrophic health care, which all the elderly want but are indignant about because the wealthiest 40 percent of them are taxed to pay for it. They have become so accustomed to the rest of the population paying for their benefits that they feel self-righteous about it even though most of them are better off than most of the people they want to finance their benefits. You expect a conservative to be selfish—selfishness is what he believes makes the world go round—but liberals should be embarrassed by their own hypocrisy. . . .

The Me Decade has now lasted 20 years. Sometimes it seems the selfishness is just getting worse and worse. But a few individuals continue to show a better way: Mickey Leland giving his life to the cause of famine relief; Colonel Higgins sacrificing his to the cause of peace. Mrs. Higgins says her husband accepted his U.N. assignment, even though he was well aware of the danger, "because he believed he could be useful—that he could help and that he was needed."

"He wrote in his high school year book," she went on to say, "his goal was 'to always make my family proud of me.' He succeeded."

All the people out there who are trapped in meaningless money-rich careers should ask themselves: What would my wife or husband be able to say if I died today?. . .

—*Charles Peters*

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The Pro Bono Hustle

Law firms need to pretend that their over-paid young lawyers aren't really buying into boring lives. Here's how they do it.

by Liza Mundy

Some time or other you've probably heard a lawyer friend speak in glowing terms about a *pro bono* case he's taken on as part of the work he does for his firm. In a fit of pride and excitement, that lawyer may even have used the full Latin phrase—pro bono publico—which means "for the good of the public." It refers to legal work performed without charge for a worthy individual or cause, in order to guarantee everybody fair and equal access to the courts.

Over the past several decades, large law firms have been using the opportunity to do such work as a lure to attract and keep the thousands of bright young men and women they need to protect corporate America from the legal consequences of its misdeeds. There is of course some good in this approach, and worthy cases do get taken on. But along with the good there is also a generous portion of hot air, not to mention deliberate self-deception on the part of both firms and attorneys.

First, though, why do these big firms have to use a lure at all? Because a sample of their *paying* work is the last thing that would bring young lawyers to a big firm. Here. See for yourself.

Imagine for a moment that you're a first-year associate at one of the biggest law firms in Washington. You already make more money than your father, more than most businessmen. But imagine, too, that it's a hot Wednesday in August and that, feeling a little drowsy after lunch, you're reading through a motion you drafted yesterday. By now the motion has been red-lined by three different partners and returned to you, to re-draft, in barely recognizable form.

At this precise moment—pen in one hand, coffee mug in the other, diplomas from Berkeley and Yale hanging neatly on the wall— you're flipping idly through the *Uniform System of Citation* to solve the pressing and momentous and socially useful question of whether you should introduce a new footnote with "See," or "See Generally."

For this, you're being billed out at $150 per hour.

Suddenly your phone rings. You jump five inches out of your chair, awakened from a stupor in which you dreamed you were practicing domestic relations law out of a storefront office in Little Havana. Without warning, the Tap has come from above. Billy Bluechip—one of the most important partners, the kind you never even see, never meet; the kind whose existence has been confirmed to you only by rumor—has declared a red alert. Emergency. All hands on deck. He wants you, Teresa Mudd (let's give you a name), second in your class, editor of the law review, to meet with him right away.

Along with another nervous first-year and the

Liza Mundy is a Washington writer.

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obnoxious, obsessively driven fifth-year associate who works directly under Bluechip, you herd into a nearby conference room. There you hear that Bluechip's client, Company X, which owns a set of cotton mills in the Southeast, has decided to do a "line sale"— that is, to sell its operations in one state. This is not public news yet. Nor is the fact that they've drawn up a contract without ensuring that the purchaser, Company Y, which is non-union, will continue to employ the men and women who already work there. Since this is illegal, it's expected that tomorrow the union will file a motion to enjoin the sale.

Your job, Teresa, is to find out whether the union will be able to demand only damages for breach of contract; or whether they will, in fact, be able to enjoin the sale. This is resting on your shoulders, your thin shoulders alone.

Bluechip wants your memo to him first thing tomorrow morning.

So, as the sun sinks behind the skyscraper across the street, you spend the evening researching in the dark—literally and figuratively. Bluechip did not reveal the state in which the sale was taking place, and the fifth-year associate doesn't know either. Boldly you take a chance and guess that it's North Carolina. This means researching cases in the North Carolina State Reporters; however, your firm's library only carries the Maryland volumes. Georgetown is closed by now. So, yawning already, you log onto the Lexis machine, which you hate because it spits out hundred of pages of computer printouts and doesn't give you citations in the right form.

Working on the machine beside the other associate, who is chewing aspirin to chase away a headache that he's had ever since he started at the firm, you ask Lexis to look for any cases containing the word "line sale." But since Lexis inputters tend to be enemies of the English language, you try "lien sale" and "ling sale, too." You also type in "union" and "employer," just in case. Lexis obligingly regurgitates its maximum of one thousand cases.

By midnight you've plowed through two hundred cases, each one more boring than the last. Bleary-eyed and depressed, desperately trying to prop open your eyelids, you search for those that are on point and arrange them in something resembling an order of relevance.

Four hours later you've eaten a corned beef sandwich and written a draft in longhand. You give it to the night-shift word-processors. Too tired to research any more, you continue to rework the memo, trying to ensure that the language is comprehensible. At eight AM you messenger your memo to Billy Bluechip, presumably sitting at his breakfast table enjoying a glass of freshly-squeezed Florida orange juice.

> For a lot of first-, second-, and third-year associates, one key thing that pro bono offers is relief from the stunning tedium of their paying work.

Then you go back to your desk and try not to think about whether this was actually the way you'd envisioned spending your life.

But that's not the end of the story. At five o'clock the next afternoon, the fifth-year associate gives you a call. Quivering with fatigue and anticipation, you wait to hear what Billy Bluechip thought of your memo.

"Billy was too embarrassed to call you himself," the associate says. "The company and the union settled the case late last night. Billy didn't need to read your memo."

Bright eyes, warm bodies

No wonder you want to do pro bono work. Because this is not a far-fetched scenario. It happens all the time at big firms, where entering associates—seeking security—have bartered away many of the good things traditionally associated with the practice of law. Good things that pro bono promises to restore, like: interesting work, client contact, trial experience, emotional satisfaction, a feeling of real contribution to a case (not to mention society at large), regular exposure to fresh air and ordinary people.

What the *smart* firms know is that to keep these warm bodies, they must convince them that they haven't really bartered all these things away. Discreetly, seductively, they murmur in the associates' ears: "Look. We brought you here mainly to make money for us, but because we like you we'll

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also give you the chance to do good." They dangle before these bright-eyed, well-heeled young souls radiant visions of winning justice for those who can't fight for it themselves. Before long the imaginative associate will picture himself singlehandedly keeping the Grand Canyon from being turned into a toxic waste dump.

The smart firms dangle before these bright-eyed, well-heeled young souls radiant visions of winning justice for those who can't fight for themselves. Before long the imaginative associate pictures himself singlehandedly keeping the Grand Canyon from being turned into a toxic waste dump.

To be sure, not all young associates want to do pro bono work. It would be unfair to say that all big-firm associates hate what they're doing, or that all big-firm work is boring and soulless. There are people who genuinely like anchovies. Similarly, there are people who enjoy research, legal writing, tax law, corporate deal-doing. They probably also like (who wouldn't?) having Fax machines; efficient secretaries; reception areas with original art and vast oriental rugs; messenger services; rest rooms with marble countertops; expense account lunches; the deference of family members, friends, and people they meet on the street; nice houses; the chance to make partner someday and, in the meantime, keep their other options open.

There are also people who don't like the work, but will put up with absolutely anything to get the bucks: even brain-deadening, excruciatingly dull 18-hour workdays.

But it does seem fair to say that being a warm body in a big firm is not a happy fate for so many sharp and well-nourished minds—minds of people who have seen reruns of *Inherit the Wind* and, probably more to the point, "L.A. Law," and formed wildly inaccurate notions of what the practice of law involves on a day-to-day basis. At 22, they imagine themselves defending the poor, arguing cases of global impact, or hurtling, Porsche-propelled and fabulously dressed, through the streets of Los Angeles—only to find themselves, at 26, making dubious distinctions about debentures.

And because of "L.A. Law" and *Inherit the Wind,* the figures keep mounting, as more and more college students willingly sell themselves into indentured servitude, amassing huge student loan debts that will leave them little flexibility when they graduate. This is the reason that only 2 percent will go into public service law, taking relatively low-paying jobs with "legal services practices, consumer activist foundations, and organizations such as the American Civil Liberties Union and the NAACP Legal Defense and Educational Fund Inc.," as reported recently in the *National Law Journal.*

As for the rest, according to the National Association for Law Placement's figures for 1987, 7.9 percent go into business and industry, 12.1 percent sign on with the government, 12.5 percent accept judicial clerkships, and 1 percent go into academe. The substantial majority—63.5 percent—take their first job with a private firm. And 15 percent—in many cases, the best and the brightest—are lured into big firms with over 100 attorneys, where they'll find themselves drafting memos and poring through files. Some will be satisfied. Many more will find themselves, in the words of one associate I talked to, "deliriously unhappy."

Sugar-coating the bitter pill

Enter the pro bono solution. Paul Reidinger, assistant editor at the *ABA Journal,* calls it "the sugar coating on the bitter pill of selling out." For a lot of first-, second- and third-year associates, one key thing that pro bono offers is relief from the stunning tedium of their paying work: relief from endless hours of discovery and "due diligence," from the mind-numbing frustration of researching codes and producing the first drafts of motions, oppositions, answers, briefs, memos, replies and surreplies. It offers the chance to have a live, red-blooded *client,* a "real person with real problems."

Witness the popularity of Covington & Burling's 6-month stint at a local Neighborhood Legal Services office. Witness the associates lined up for the 4-month rotation into the Community Services program at Hogan & Hartson. This much sought-after slot—which lets an associate work on pro bono cases full-time is one of Hogan & Hartson's real plums because it lets a person litigate right away. "Historically, almost all our fast-track people managed to" rotate into Community Services, according

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to Jack Keeney, the partner in charge. Landing the 18-month senior associate spot at Hogan & Hartson is like being touched by God. Suddenly you're no longer a nobody, a schmoe; suddenly you're being listened to, depended on; suddenly you're in front of a judge and, great balls of fire, only a year or two or three out of law school, you're actually *arguing a case!*

The second major thing that pro bono offers, *or seems to*, is the opportunity to do the kind of work that actually led a fair (but perhaps dwindling) number of people into the law in the first place. Whatever truth there is to the "sugar coating" remark, it lies in big firms' awareness that, given the right proportion of sugar coating to bitter pill, they can retain some remarkably committed people who also happen to be excellent lawyers; people they'd have trouble keeping without the pro bono solution.

I've encountered a number of such souls—who, on top of, say, the 1,800 billable hours they put in per year, contribute a substantial additional chunk of time to pro bono work: writing *amicus* briefs, drafting wills, and going to court on behalf of those who are homeless, indigent, sick, alien, imprisoned, even sentenced to death. They care about representing those voiceless multitudes whom the Bill of Rights assures representation, without simultaneously providing them with the means. In some cases, the chance to "level the playing field" of society may actually have been what led them to law in the first place.

Ed Wolf happens to be one: a gregarious, charismatic, Sixties kind of guy who is an associate at Arnold & Porter. Wolf says that for him, pro bono work "comes closest to the reasons I went to law school." And he knows that it also makes it easier, psychologically, for him to stay at the firm.

"I never thought I'd find myself in private practice," Wolf confesses, "and when I was in private practice I never thought I'd be there more than two years. I'm now in the 7th year of a two-year stint. A large part of that is because this firm allows you to put on the white hat occasionally." The senior partners at Arnold & Porter are no dummies; not only do they encourage pro bono , but they facilitate it by allowing associates to count it toward 15 percent of their billable hours. "It keeps people here," Wolf says.

Eve Dubrow is another. Three months after starting work in the toxic torts department at Akin, Gump, Strauss, Hauer & Field, Dubrow—a profoundly committed first-year associate—founded a tutoring project for homeless children. She currently spends probably half her time on the program, and has galvanized other attorneys, paralegals and secretaries into helping out. Needless to say the firm holds her up—and rightly so—as an example of the kind of work that associates are allowed to do.

Dubrow admits frankly that, like Ed Wolf, she never thought she'd go with a big firm; that people at the firm didn't think she would, either. She's always been a public interest type of person, but whoops, here she is. She also acknowledges that the firm is a sort of emotional safety net for her: "Sometimes you look beyond the horizons of the tutoring, and you see the overwhelming problems that exist for these children and I guess for society at large. And that's when you crawl back to your desk and want to do discovery."

Joking about life and liberty

And indeed, here is one of the beauties of the pro bono solution: simultaneously enjoying the emotional satisfaction of having a client whose case really matters, while resisting the burnout from having *only* clients whose cases really matter. You may suffer through a death penalty case where your defendant is

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actually executed, but you won't have to suffer through nine or ten.

In fact, it's possible to spin a persuasive argument (and many do) that a big firm is really the best place to practice public interest work; you have the prestige, the resources, the staff, the money, the wherewithal to barrage a judge with documents. You have weight, heft, influence. You can select, from the memo they send around, the pro bono work that interests you: you don't have to do all divorces, all wills, all landlord-tenant disputes. And when it's all over, you can crawl back to your desk and do discovery.

But if you buy those arguments, then you've bought the hustle. First, you're ignoring the fact that there's not nearly enough of the ideal kind of pro bono work to go around. Some pro bono work is deadly dull, too; even if an associate is doing something immensely worthwhile like writing a will for a person dying of AIDS, the actual drafting of the document will be tedious simply because so much of the law is tedious. Other cases might be exciting, but your client isn't quite as "worthy" as you'd hoped.

But that is a modest deception compared to most of the others employed by big firms in the pro bono game. Probably the most cynical is what Ed Wolf calls "letting us practice on life and liberty before they cut us loose on property."

Wolf is joking, of course. He hastens to add that the firm oversees all pro bono work, that pro bono is accorded the same status as all paying cases. He calls back to point out that all associates have been fully licensed by the bar. But he doesn't withdraw the joke. The same point is made with more polite indirection by senior partners like Tom Williamson of Covington & Burling who says "pro bono provides [associates with] opportunities to have greater responsibility than they would in a commercial case." Translation: The big firms are letting the associates practice on life and liberty before cutting them loose on property.

In short, with pro bono *you're* the one being conned. For example, despite the firm's promises, an associate could very well end up spending 5 percent of his time working for the Grand Canyon, and the other 95 percent defending the rights of the toxic waste dumpers (or the Tobacco Institute). That 5 percent is the firm's way of keeping him safe and happy and anesthetized. And finally, pro bono is a con because firms don't value it enough to require it, and certainly don't value it enough to consider it as a factor when they're selecting the lucky few anointed ones who will make partner.

Which raises the thorny question of what actually constitutes pro bono work in the first place. There are narrow definitions and there are broad ones. It can refer to individual cases for poor clients, or to large, high-profile "impact" cases that the firm expects will set a new precedent in the law. It can even include political fund-raising and free consulting for family members.

It might mean, for example, that a partner with experience in the housing industry has done free consulting for HUD or that an associate is working for an ABA committee, doing recruitment for the firm, or even representing a family member in a traffic case.

Which makes it all the less impressive to hear Steptoe & Johnson report that 5 percent of its practice is pro bono; to hear that Skadden, Arps, Slate, Meagher & Flom figures that, on average, its attorneys devote 3 to 4 percent of their time doing pro bono work that fits within their "broader definition": one that includes serving on the board of directors of a hospital or university. Not exactly assuring indigents their day in court. (Of course, serving on the board does permit the attorney to rub shoulders with community leaders who are potential clients of his firm.)

Do the math

Ultimately, the percentages are pitiful—even at Hogan & Hartson, universally acclaimed as the "model" for a big firm pro bono commitment. Jack Keeney will tell you proudly that *total* pro bono hours logged for the first half of 1989 were 9,757. But do the math (120 partners who put in an average of 1500 hours each per year, 160 associates at something like 1800) and you find that this pro bono leader devotes a whopping 4 percent of its total resources to the public good.

Four percent. In other words, it's probably a whole lot cheaper and more efficient than hiring a public relations consultant. Who needs a PR person when, thanks to a suit Hogan and Hartson filed against D.C. cab drivers who reject black fares, *The Washington Post* plugs them for free?

And speaking of PR, let's look at the cases that don't get taken at all. Given firms' lofty talk about taking "unpopular" clients—in particular, prisoners on death row in the South—you'd think they'd be dying to take on a prisoner's rights case. Not so.

Lois Bloom, senior staff attorney for the U.S. District Court, Southern District of New York, says that of the 90 big firms on the counsel list, only 20 are really "active." Confront them with an ordinary case involving a poor person charged with larceny and they'll react with the enthusiasm most people feel for a day-old sandwich.

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Unless, of course, it happens to be a convicted larcenist with AIDS. In that case, you have a new issue in the law: what constitutes "cruel and unusual punishment" for a prisoner with AIDS? So a firm will take that particular case, just as it will take any cutting-edge case that involves the First Amendment, and just as it is eager to take homeless cases and political asylum cases. Tragic as these issues are, they are also timely—consequently they're the ones that firms want to handle. (The newest issue will be lobbying for legislation to allow Chinese students to remain in this country after their visas expire. You can bet plenty of firms will jump at that. What could be politically safer, what more current? But what, on the other hand, if these students were Arab?)

Who's in charge?

Worth considering, too, is who these firms put in charge of the pro bono program. A partner? A committee? A paralegal? Hogan & Hartson has a full-time partner in charge of its pro bono cases, but most other firms have only non-partner attorneys or paralegals administering pro bono.

Covington & Burling, for example, has a paralegal who acts as the clearinghouse for pro bono cases. Akin, Gump recently brought in as "so-called coordinator" of its pro bono program Stark Ritchie, an attorney who describes himself as "neither fish nor fowl" and speculates that "they thought I was too old to be intelligent."

Crowell & Moring hired Susan Hoffman as the pro bono chief at a fixed salary with no option for making partner. And Neal McCoy, managing partner at Skadden, Arps' branch in Washington, gropes for words to describe Ron Tabak, the man in charge of their pro bono office in New York. "A very experienced lawyer," McCoy says, "who is not a partner but a very senior, uh,. . .lawyer."

We get the message.

No firm except Hogan & Hartson is willing to say that a substantial pro bono commitment might actually help an associate make partner. At H & H, the 18-month senior associate spot currently occupied by Craig Hoover is known as the "fast track to partnership." But even then it's not because you're helping poor people. It's because you get intensive litigating experience on high-impact cases.

Everywhere else, partners hastened to say that pro bono would never actually count *against* you.

At all big firms, paying work will take precedence over pro bono. In 1987, an end-of-the-year article in the *Legal Times* headlined "Pro Bono Gets Squeezed by Economic Pressures" found that while pro bono work had increased at big firms over the course of the past decade, it hadn't increased nearly as much as their profits or their size. Some weren't doing it at all. Sure, if business is down a bit and your firm's associates are hard-pressed to find 40 hours of paying work a week, then pro bono rises to the forefront. If, on the other hand, business is hot and the market is competitive—well, you can't forget why you're there in the first place.

Hanes vs. Fruit of the Looms

Lawyers love nothing more than to talk in solemn and self-serving tones about "looking outward," about "professional obligations," about "giving something back to the community." On the other hand, they were also talking about "slavery" when the New York Bar recently recommended that all firms commit 20 pro bono hours per year, per attorney—which translates into 24 minutes per week, or 4.9 minutes per day, not enough time to bother recording on the billing sheet for a paying client.

Law is a business—and nowhere is it more of a business than at the big-city mega-firms. Firms may woo summer associates with pro bono opportunities, but in four or five years when that one-time summer associate has matured professionally and developed ongoing relationships with paying clients, he'll be stuck representing Hanes in its case against Fruit of the Loom.

Nor is the question simply one of private firm vs. public interest. The real question is whether somebody like Eve Dubrow should be in the law at all when her heart is clearly elsewhere. Remember, the pro bono work that excited her was tutoring children, which had nothing to do with the law. The same goes for thousands of other young associates who spend their lives serving morally marginal causes when they could be devoting 100 percent of their energy and talents to work they find rewarding. It's a sad scenario when together, money and pro bono work serve as the shot of novocaine that goes straight to the brain, so that what you end up with really *is* a lot of warm bodies obediently doing what they're told, coming alive to talk on the record about how rewarding they find pro bono work—and, off the record, about how bored and miserable they feel.

Imagine what would happen if these people simply abandoned their posts; abandoned the law; left behind the security, the money and the perks. Of course that's a silly, inconceivable thought. It couldn't happen. Because the world would turn topsy-turvy—and when the picture finally cleared, it might actually be the toxic tort offenders who have to go begging for a lawyer.

Oh, brave new world, that has such people in it. ❑

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What is the Air Force Really Worried About: National Security or Job Security?

Maybe the Pentagon wants the new stealth planes because they are technological marvels that will revolutionize air warfare. Or maybe it's just because without them, the pilots might lose their jobs.

by Gregg Easterbrook

"It is difficult at this remove to view dispassionately the short-sightedness of the prevailing official attitudes towards the new weapon," Peter Young, a British general has written of the decade following the invention of the airplane. "In 1912 the American colonel Isaac Newton Lewis fitted his famous air-cooled machine gun to a Wright Biplane. Official reaction was tepid."

That attitude did not last. As tenaciously as military officialdom once opposed the notion that the airplane's time had come, it now resists the possibility that its time is about to pass.

The Pentagon is about to commit itself to three new manned aircraft of record-setting expense: the B2 bomber, the Advanced Tactical Fighter (ATF), and the A12 Advanced Tactical Aircraft. (If Congress lets it; the House defense bill minimized B2 funds and cut the ATF altogether.) Though information about the B2 is slowly becoming available, hardly anything has been published about the ATF and A12, which combined will likely cost more than the stealth bomber program. ATF, intended to be the world's hottest "air superiority" fighter, is being designed by the Air Force. The A12, intended to attack land targets from carrier decks, is being designed by the Navy. Both will be stealth—that is, radar-eluding—aircraft incorporating features similar to those of the B2.

Because unusual hierarchies of secrecy cloak stealth programs, it is difficult to estimate whether these aircraft will succeed from a technical standpoint. For some time the military refused to confirm the existence of the B2 or the F117, a limited-edition stealth fighter built principally to determine whether radar-evading jets could be aerodynamically controllable. Today the Pentagon says precious little about ATF; even less about the A12. Both are black programs, meaning many references blacked out of public documents. (The Pentagon now shuns that term, preferring Special Access Required. Slang had mutated to the point that public-record programs were called "white;" work areas referred to as "the white world" and "the black world.") Assessing whether the new aircraft can fly from the standpoint of cost effectiveness may be a different matter. The planes will incorporate so many costly features—some focused more on career security for the pilots' guild than on military necessity—that the world's richest country will be able to afford only a comparative handful.

Current plans call for 132 B2s and 750 ATFs. During World War II the U.S. fielded aircraft in quantities like these: 16,494 B24 bombers, 13,586 P51 fighters. The advent of the jet age did not immediately alter this equation: in 1951 the Air Force

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acquired 6,300 aircraft, mostly jets, at an average of $1.3 million in current dollars. But by 1984 the service was spending an average of $40 million in current dollars for the mere 322 aircraft acquired that year. At about $530 million, each B2 will cost nearly 400 times as much in real terms as a B24. Each ATF will cost about 150 times as much, adjusted for inflation, as a P51.

If the only factor at play here were trading more expensive and glorious aircraft for steadily reducing numbers—Soviet military jet production has declined too, though not as rapidly as ours—the choice might be a toss-up. But while the number of combat aircraft declines, antiaircraft weapons are multiplying like mad. Recent advances in computers, sensors and manufacturing techniques have rendered surface-to-air missiles (SAMs) increasingly effective. Improved air-to-air missiles are in the offing, and the miniature SAM exemplified by the U.S.-built Stinger has now been added to the quiver. Wielded by illiterate Afghan guerrillas, this $40,000 weapon overwhelmed Soviet high-performance jets. In the Pentagon's vision of the future a small force of sensationally expensive manned aircraft will do battle against a huge proliferation of such weapons.

Air-superiority fighters and superbombers have become as much symbols of American technical prestige as elements of military proficiency. Alternatives such as unmanned drones and affordable manned designs are spurned for their very worldliness. Yet a measure of subtle awareness in military circles that the end for traditional aircraft may be in sight is that already occupants of the cockpit are called not pilots or people but "humans." Airplanes, their primary role increasingly to serve as racks from which to launch missiles, are called "platforms." Around Air Force labs I heard many references to "the human on the platform."

The most renowned flying humans are those who sit in fighters. Unlike bomber or transport pilots, fighter jocks are glory hounds and individualists. The weapons they use pose little threat to noncombatants. Their quarry are other virtuosos who know the risks and even have a sporting chance to bail out if hit: more like the competition than the enemy. Now there's a lifestyle.

Thus the romance of the fighter jock dies hard. Of equal importance, while the case for $530 million for any bomber is difficult to make, the ATF and A12 projects invoke shades of gray, with many points in favor of such aircraft. Are there enough?

The scenario pilots love

It's the year 2000. Fighting breaks out along the Central Front; rationality or terror prevents the adversaries from resorting to nuclear malice. Some ATF squadrons prepare to lead a raid, the objective being a Warsaw Pact airfield.

A group of F15s and F16s, frontline fighters from the 1980s, crosses into Warsaw Pact territory flying "terrain masked," down low where ground radars cannot see them. These planes have their own radars and electronic jammers cranked to full blast. During the first phase of the strike, ground guns and SAMs pose the main hazard. But new Soviet interceptors operating in the sanctity of Warsaw Pact airspace can use improved radars to spy attackers in the otherwise elusive low position. So even if the F15s and F16s make it past the ground weapons they still face jeopardy.

> If about three percent of the anti-aircraft missiles in the world today find their mark, the skies will be swept clean.

Concurrently ATFs cross enemy lines at a majestic altitude, high above the range of battlefield weapons. Because ATF has stealth, it is reasonably secure against radar detection at altitudes conventional aircraft would find suicidal. While the B2 is a subsonic aircraft, in order to be capable of intercontinental travel, the shorter-range ATF cruises at around mach 1.5. Unlike contemporary fighters that have impressive top speeds but rarely use them because then fuel consumption goes off the scale, new "dry supersonic" motors enable ATF to sustain mach velocity without activating an afterburner. Thus these fighters transit the lethal envelopes of defenses in less time than current aircraft.

The ATFs are operating with radars and jammers off, so as not to betray their presence. Each is receiving a rich stream of information from U.S. sensors in space and at distant locations, while employing

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onboard passive technology such as infrared scanners and electronic eavesdroppers, that leave no clues of the ATF's presence.

In ATF cockpits, "data fusion" computers put the streams of digital clues together and predict where the hot Soviet interceptors can be found. ATF's role is to eliminate them. "ATF isn't necessarily going to shoot everything it sees," says Colonel James Fain, a manager of the ATF development program. "The Threat is beginning to build aircraft with true look-down, shoot-down capability, and the purpose of this airplane is to remove that threat." In Pentagon usage, threat means a specific tactical obstacle, whereas The Threat means the Russians.

Aboard ATF is the new Amraam missile, a "beyond visual range" (BVR) weapon for shooting at planes as much as 50 miles away. The plan is that long before Soviet fighters can draw close enough to target an ATF visually, it will unleash a hail of Amraams. Ideally not only does the enemy never see ATF, ATF never sees the enemy. Whenever the ATF launches a missile, its bay door opens—weapons will be stowed internally to reduce radar echoes—and the irregular shapes thus exposed render the plane momentarily visible on electronic scopes. But after the missiles are away, these doors shut and the fighter changes course sharply, maneuvering at random. Any missile launched toward ATF's fleeting image fizzles off harmlessly.

If a Soviet interceptor jumps an unsuspecting ATF, the pilot defends himself with heat-seeking missiles and cannon fire, the same dogfight weapons employed by existing U.S. fighters. If a superior force of Soviet aircraft arrives, the pilot exercises discretion and bolts, using sustained supersonic speed to outrun pursuers who can go into afterburner only momentarily.

This is the principle scenario the Air Force has in mind for the new ATF. Underpinning it are two critical assumptions. The first is that ATF will operate mainly in the other guy's skies, not ours. NATO doctrines with names like Follow-on Force Attack and Win Early, or the generic name interdiction, emphasize immediate counterattack behind the lines of a Warsaw Pact advance. Such ideas are parcel of the "competitive strategies" doctrine George Bush praised during the 1988 campaign.

Some inconvenient facts

Interdiction is an important element of Western strategy in part because the idea of carrying the fight to enemy turf is more palatable to NATO residents than other alternatives. Partly, too, it is because tacticians are more comfortable with counterattack than defense. Though military theory says the defender holds the cards, in recent wars aggressive tactics have often prevailed: for example, Germany and Japan overran numerous entrenched positions early in World War II, later to be overrun in turn after they became defenders.

Conventional interdiction of targets such as command centers holds out the hope of what might be called constructive combat: dealing a few decisive blows that bring hostilities to a prompt conclusion, rather than slugging it out at the line of scrimmage, which cannot help but be immensely destructive to both sides. On the down side, deep counterattack engages the military imagination because it is a max-tech assignment. Only the fanciest and most expensive airplanes will do.

The second driving assumption of ATF is that beyond-visual-range weaponry will work. The U.S. has possessed BVR weapons since the 1950s, principally an air-to-air missile known as Sparrow. In Vietnam, its performance was a major disappointment. More recent use of updated Sparrows suggest this weapon still falls well short of its sales pitch; during the recent encounter in which Navy F14s shot down two Libyan fighters, three Sparrows were fired, under conditions suited to the missile. Only one hit.

Existing airborne radar missiles work by homing in on echoes from the nose radar of the launching fighter. This means any pilot firing a Sparrow must keep his radar on, announcing his position; he must further train his concentration on the target and restrict his aircraft's flight path as long as the Sparrow is flying, rendering himself vulnerable to attack from other aircraft or missiles in the area, and often ending up having closed to within visual range anyway.

Amraam, by contrast, is a "fire and forget" device with a full radar set of its own. As soon as a pilot launches one he can peel away and let the missile worry about itself. Amraam will cost much more than Sparrow, as much as $635,000 per missile. But in this case, a Pentagon price increase appears justified. Assuming Amraam works (it's in testing), half the BVR problem will be solved.

Whether the other half can be solved is something else again. Since by definition a pilot firing from beyond visual range cannot see what he's aiming at, in a swirling air battle, there is enormous risk of shooting down the good guys. "This has been a somewhat sensitive issue," Colonel Fain allows.

Researchers have attempted to build gadgets that can identify friend from foe using zoom-lens cameras; highly accurate radar bursts; even by analyzing the harmonics of jet exhaust to determine who built the engine. No system has been sufficiently effective to enable pilots to trust their BVR weaponry. "I wish

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I had a penny for every time I've taken off a carrier deck loaded down with [BVR missiles] knowing darn well I'll never get clearance to fire one because I won't know what I'm shooting at," Capt. Stewart Schmidt, an F14 pilot, said.

The U.S.S. Vincennes shot down an Iranian Airbus because the $600 million Aegis radar system on the ship was unable—not through failure, just technological limitation—to make as simple a distinction as whether the BVR blip being tracked was a fighter plane or a commercial airliner. An Aegis radar is far more powerful than any sensor ATF will be able to carry; and Aegis's inability to determine the nature of the target held true even after the Airbus had closed to within 20 miles. ATF plans call for pilots to make judgments about blips from considerably greater distances.

Many aircraft now carry transponders that in theory permit electronic "interrogation" separating ours from theirs. But such devices are notoriously finicky; a contributing factor in the Airbus tragedy was confusion aboard the Vincennes regarding what type of code the interrogator system was reading. Such confusion, in the ideal conditions of tracking a single target, bodes ill for blip identification during the madness of general combat. Above the Central Front will be aircraft of NATO allies using several different, incompatible interrogation systems. Long-running negotiations between the Pentagon and NATO, aimed at a common electronic protocol for identification transponders, recently broke down in bickering over whose standard would be adapted.

ATF will have a new integrated fire control system able to combine readings from many sources to provide improved friend-or-foe cues to pilots. An official developing this system, James Kocher, told me that positive identification cannot be guaranteed. "It will raise the level of pilot information [about BVR targets] from uncertainty to educated guess," Kocher said.

Rationales for the high cost of ATF hinge on the ability to fight from beyond visual range, for if ATFs end up in dogfights, money will start pouring down the drain. The two engines powering ATF will have thrust-vector nozzles resembling those on the Harrier jump-jet. By manipulating exhaust flow, these devices will afford pilots maneuverability compensating for the inherent clumsiness of stealth aerodynamics. ATF is expected to have the same dogfight handling power as the F16. But the same maneuverability as current fighters, plus the same close-in weaponry, means ATF won't be notably better at traditional combat than what the U.S. already has. What it will be is outnumbered.

Nobody can know how many of any weapon the United States requires, nor whether current talks on European conventional-arms reduction will result in treaties reducing the importance of this whole issue. But based on the information available now, the numbers for ATF don't look good. Depending on who does the calculating, Warsaw Pact tactical aircraft outnumber NATO's two or three to one. Focusing U.S. investment on ATF will further widen the gulf. Yet most commentators believe that the use of modern jets in Vietnam, the Middle East and the Falkland Islands shows pilot skill, tactics, and numbers to rank with or exceed technology as determinants of victory. Even Colonel Fain agrees. "The best fighter in the world, drawn into a dogfight against numerically superior forces, will eventually lose," he says.

Costs: flyaway vs. runaway

The goal of 750 ATFs was arrived at via Air Force computer simulations of future aerial combat. Officials concede the number is low even by standards of high-performance jets: for instance, the U.S. built 5,300 F4 Phantoms. And by the time ATF appropriations wend their way through Congress, the total may be lower still.

Recognizing the smallness of the planned purchase, the Air Force buzzword about ATF is "leverage." Though there won't be many ATFs, planners concede, their ability to take on the best Soviet fighters will leverage existing F15s and F16s into the next century. At one point an Air Force press release declared that the new plane would achieve an "exchange ratio" of 10 Soviet fighters destroyed for each ATF lost. During the Vietnam War, U.S. pilots, working with a pronounced technological edge, could achieve no better than an exchange ratio of 2.6 to 1 over North Vietnamese fighters.

Significantly increasing the quantity of ATFs is not an option; the aircraft will be too expensive for that. The Air Force has established a $35 million cap on ATF "flyaway" cost, and by all accounts Tac Air, the project's sponsor, is struggling earnestly to honor that objective. But the true price of ATF is certain to be higher.

The $35 million is quoted in 1985 dollars, which equates to $44 million today. Flyaway cost is a stripped-down figure. In 1987 the Air Force claimed a flyaway cost of about $25 million for an F15; payment per F15 actually delivered was about $37 million. Most important, the Air Force already concedes that the $35 million figure will be arrived at by assuming unspecified savings in future years. During early production even flyaway costs will exceed the ostensible cap; the Air Force will warrant to

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In a *Washington Post* column defending full development of the B-2 bomber, Charles Krauthammer closed with the following consideration: "There is one more reason for building Stealth. It has nothing to do with strategy. It has to do with aesthetics. No machine that beautiful should be allowed to die."

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A tree transplanted by President Bush from the White House lawn to the capitol grounds in Bismarck, North Dakota, introduced the destructive gypsy moth into that state.

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Congress that such high prices will be offset by savings down the road. Programs are often low-balled in this fashion, and somehow the huge future savings have a habit of failing to materialize. For these reasons some Pentagon documents list an ATF acquisition cost of $50 million per plane; the final figure may hit $60 million. Logically this would almost have to be so, because ATF will be produced in quantities too small for economies of scale.

These ATF price estimates include a proration for research and development, a calculation that drives the military to distraction. Air Force officials currently are heatedly complaining on Capitol Hill that the troublesome $530 million sticker price for the B2 would decline by approximately a third if R&D expenditures were not rolled in. But somebody's got to pay for R&D. Virtually all commercial aircraft are priced to reflect what the company spent on development; the $125 million price of the new Boeing 747-400 certainly includes R&D. Military officials can't opt for a project like a stealth jet, for which they know R&D expenses cannot help but be high, then later claim these costs somehow do not count. Taking high R&D into consideration is essential to making rational choices about a project's worth relative to the defense resources consumed.

Defense contractor behavior reinforces the upward cycle of cost. During the 1950s the U.S. designed, tested and built no less than 18 fighters, most of them supersonic jets: in the three decades since just seven new U.S. fighters have gone into production. During the 1950s unit costs were lower, profit was in volume. Then military contractors began to merge. Fewer companies meant less competition; which led to higher price per unit; which caused the Air Force to reduced buys; which encouraged planners to think in terms of loading every conceivable device into those aircraft it got.

As a corollary, today the profit is in aviation electronics: such "avionics" now account for 40 percent of Defense Department spending on aircraft. Unlike airframes and engines, these microchip concoctions have high markup. One defense executive describes current flying machines thus: "Not so much airplanes as self-propelled avionics suites."

Kids on the ground

Contractors love avionics because they know that while Congress will wring its hands interminably about building an airplane, approval for black boxes is nearly involuntary: if only because hardly anyone understands what the boxes do, let alone which ones are justified and which aren't. Black boxes can also be retrofitted to existing planes, providing a steady flow of business. At $5 million each, a new fighter avionics package called Lantirn costs more than an entire F4 Phantom did about a decade ago.

Whether maximum technology makes for the best weapon is the subject of unceasing debate in military circles. Technology proponents point out, for instance, that although the ATF's new system of practical supersonic speed won't be cheap, ferrying back and forth to base at blazing speed will allow ATF to generate more sorties than current fighters. Other new features such as "fail soft" circuitry should enhance ATF value. Fail-soft means that when components incur battle damage they will automatically reset for limited operation, instead of just winking out as current systems do.

New technology should also make ATF more reliable than current fighters. It's an encouraging sign that after years of cannibalizing some high-tech aircraft to keep others running, the Pentagon has gotten religion on the subject of reliability. The goal for ATF is double the dependability of an F15. "For ATF reliability and maintenance have been equal to performance as design goals," Colonel Michael Walton, director of an Air Force design bureau, says. "Five years ago no military laboratory could have said that."

Proponents of maximum aircraft technology further note that stupendous exchange ratios have been recorded by Israeli pilots using modern U.S. fighters. And they cite the most powerful argument of all: if we're going to be outnumbered, can we have anything less than the best possible aircraft? Don't we owe it to our pilots?

This last argument is circular, however. The reason our pilots are outnumbered is that we insist on superplanes. Such a choice may be fine for Israel, which has only a tiny land area to defend and need not care about the cost of its U.S.-subsidized equipment. (Israeli pilots also do not fight outnumbered: Israel has more combat aircraft than Syria and Jordan combined.) Whether the approach is best for the United States, which must defend thousands of miles of borders the world over, is another matter.

The principle objection air power advocates express to intermediate fighters, of which the $15 million Air Force F16 is the leading example, is that they are fundamentally defensive: best in interceptor roles near their own turf, not so hot for missions deep into enemy territory. Though defense-not-conquest is every U.S. officer's objective, defensive strategy just doesn't sit well with the military culture.

But suppose the Soviets deep-strike our side? In that case several sneaky little planes may be of greater value than one gloriously powerful ATF. Pentagon planners tend to downplay this concern,

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suggesting that few Soviet fighters could survive the excursion across our SAM belts. "The great problem for pilots in the year 2000 will be weapons from the ground," Lt. Colonel Ted Wierzbanowski, an F15 pilot, says. "You're going to have thousands of kids on both sides shooting cheap missiles at you. Other fighters may be the least of your problems."

This in turn leads to a subject the Air Force really doesn't like to talk about: the modern antiaircraft missile.

Son of SAMs

Guided missiles are a newer science than aircraft: the first attempts to build them did not come till the 1950s. These missiles fall into two basic categories, radar-homing and heat-seeking. During Vietnam, radar SAMs crude by today's standards inflicted consistent losses on U.S. forces over North Vietnam, though bombers were accompanied by scores of "suppression" aircraft: jammer aircraft and strike fighters bearing special weapons to attack SAM installations. Some 1960s-vintage SAMs in the possession of Muammar Qaddafi caused such concern to U.S. commanders planning the 1986 Libya raid that the Navy had an estimated four suppression aircraft in the air for each plane that actually delivered a bomb on Libyan soil.

Today the U.S. Army has thousands of Hawks, a radar SAM, and is building several thousand new long-range radar SAMs called Patriot. The great U.S. weapon fiasco of the 1980s, the Divad automated antiaircraft gun, is being replaced by three types of small SAMs that incorporate clever technological variations. For their part the Soviets have nearly 5,000 SAM launchers near Europe, plus another 9,000 ringing their home borders. According to the Defense Department, in the last decade the Soviets have built 140,000 missiles for these installations.

Heat-seeking SAMs and air-launched heat-seekers like the Sidewinder have proven close to unstoppable under some circumstances: their only drawback is a shorter range than radar missiles. During the 1973 Middle East war, some 93 percent of the Sidewinders launched by Israeli pilots struck Arab aircraft, perhaps the best performance ever by a precision-guided weapon. The Soviet Union now builds similar missiles. Pilots can sometimes duck a radar missile by evasive action; heat-seekers don't give up as easily. Radar missiles depend on transmissions that can be jammed, and announce their approach to an aircraft's "fuzzbuster." But heat-seekers are passive. The only way a pilot even knows one is coming is if he sees it fired or his wingman spots a smoke trail and cries "Tallyho!"

Miniature SAMs of the 1960s and 1970s worked poorly, so air power advocates tended to write them off. A new Stinger version perfected in the early 1980s changed that. These missiles were devastating in Afghanistan; both armored helicopter gunships and modern strike fighters proved vulnerable to them. In the final years of the Afghan occupation Soviet planes scattered flares everywhere they flew, hoping to confuse Stinger sensors, or operated above 10,000 feet to stay beyond Stinger range. Ordinance released from such altitude almost always misses, so the Stinger gunners prevailed without even shooting.

Because their passive sensors employ few moving parts, heat-seekers are cheap: Sidewinders cost about $55,000 and Stingers about $40,000. And as years pass, the scales may tip further in the direction of SAMs. Putting each new technological gimmick onto a small, unmanned missile is comparatively cheap, while adding the appropriate countermeasure to a large manned target usually means serious money.

Needless to say the thought of $40,000 missiles shooting down $60 million ATFs or $530 million B2s is not reassuring. Backers of these projects say their aircraft will withstand missile onslaughts by foiling radar guidance with their stealth and by flying high above the limited range of heat-seekers. Stealth aircraft incorporate engine exhaust systems that reduce heat signature; devices broadcasting scrambler pulses on infrared frequencies may also help. Meanwhile the Air Force riposte about North Vietnam losses is that though many U.S. planes fell, huge numbers of SAMs were expended in the process; only about three percent of enemy missiles struck home.

But one cannot help fearing the rising curve in antiaircraft technology represents a threat air power advocates are simply trying to wish away. Here's the bottom line: If about three percent of the antiaircraft missiles in the world today find their mark, the skies will be swept clean.

A future air superiority force based primarily on SAMs might be more fearsome and cost-effective than one based on manned aircraft. Don't expect the Air Force to advocate such a shield, however. Not only would that deprive the service of seats for pilots. Ground-based antiaircraft weapons fall under the jurisdiction of the the Air Force's second-most feared foe, the U.S. Army.

Diving drones

Pentagon planners who normally drool over any new technological prospect have been dragging their feet against a flying machine recently made practical by advances in microelectronics, composite materials

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and small turbine engines: the miniature drone.

Drones are another annoying threat to the pilots' franchise. Their existence is such a touchy subject there is even a dispute regarding what to call them. Proponents say "remotely piloted vehicle," emphasizing that microcomputers and digital transmission now make it possible to control RPVs from ground stations, not just send them on preprogrammed courses. Air power believers can't stand the implications of "remotely piloted." They insist on saying "drones," connoting the plodding dim-wittedness of pilotless flight.

Israel has had relatively cheap drones in operation for a decade, using them for reconnaissance and electronic warfare. Until recently, of the U.S. services, only the Army showed interest in similar equipment, though its first drone, Aquila, was a spectacular dud. The Navy, acutely conscious that manned aircraft are what justify its beloved supercarriers, resisted drones until it lost two fighters during a 1982 strike against the very Bekka Valley positions that Israeli warplanes, assisted by drones, hit without losses.

Today the Defense Advanced Research Projects Agency (DARPA), a secretive Pentagon offshoot that occasionally takes pleasure in twitting the powers that be, is tinkering with a low-cost drone called Amber which has demonstrated an ability to stay aloft for 30 hours on one tank of fuel. A defense contractor with the incredible name General Atomics has shown prototypes of a low-cost propeller-driven drone that could fly 300 miles and deliver a 300-pound warhead. And after considerable hemming and hawing the Air Force is pursuing drones that could destroy SAM guidance equipment by circling over a battle waiting for a radar to be turned on, then diving into the transmitter and exploding. Note that the drone the Air Force likes is one that would counter a threat to manned aircraft.

Many justifications for advanced aircraft involve their use as "platforms" for smart munitions that, launched far behind enemy lines, will score direct hits on high-value targets. So far smart munitions need help from Stanley Kaplan, as their mediocre test scores in actual uses such as the Libya raid attests. Beyond smart lies the brilliant munition: ones able to self-guide so that a strike aircraft could fire and forget them, preferably from "standoff" range. No brilliant munition has yet been fielded, though several are being researched. If any is perfected it might, like Amraam, finally make real a technology whose practical value thus far has been vastly inflated.

Now here's the dilemma. Suppose brilliant munitions do turn out to work. Then why employ megabucks manned airplanes to haul them to the launch point? Instead you might put the brilliant seeker head in a General Atomics drone, and put the pilot out of business.

From long johns to astronauts

Just when things really start to get good they become obsolete.

Consider what the military aviation subculture has been through. First, general mockery of its ideas. Next, death-defying performance in the rickety crates of World War I. Following this sacrifice a thankless phase of internal exile culminating in court martial for the air power visionary Billy Mitchell. Next, tremendous achievements in World War II, but at precious cost in battles such as Ploesti. Even then planes were still built like flying canoes. World War II pilots wore long underwear and silk scarves to keep from shivering.

But in the postwar period things began to look up. A new service, the Air Force, was formed, and within it, an interest group controlled by pilots. Planes became powerful, glamorous and also safer—deaths per flying hour declined. Unlimited appropriations seemed to flow the pilot's way—merely training an F15 pilot, an easily overlooked factor in aircraft funding calculations, costs $7 million.

And the pilot class became exclusionary. Today almost everyone in a military jet is an officer, with the fancy bombers and fighters flown by men ranking as high as Air Force colonel or Navy captain. Today pilots receive decent compensation (about $40,000 a year for a major in his early thirties), cash bonuses and flight pay, half-pay retirement after 20 years, plus great stature for their wives and families within military society. A key cultural difference between the jet-dominated services and the Army is that in the latter, even the costliest helicopters are flown by "warrant officers," noncommissioned personnel who enjoy little institutional prestige and few lifestyle perks.

Concomitant with the improvements in military aviation, the civilian airline industry developed. Although early generations of military aviators tended to go into non-flying work or became crop dusters and barnstormers, today a jet jockey who sours on military life can start a lucrative second career flying for the airlines.

In short, what was once a crummy way to make a living has become a sweet deal. Now along comes the chance to build ultimate flying machines like the B2 and ATF. These are the airplanes a World War I ace would have given his left arm just to see. Modern electronics will make flying them a dream come true. Only a select few—astronauts practically—will qualify for the privilege.

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It's easy to understand why the desire to preserve this exerts an emotional pull on the Pentagon, Congress and the public. There ought to be nostalgic lore attached: American citizens owe a great deal to the culture of military aviation.

But lore is one thing, logic another. Unless there's some very basic fact about the B2 that the Air Force is withholding to the detriment of its own funding prospects, or unless the Pentagon is willing to trade B2 funding for termination of another new strategic weapon, this program seems a deserving candidate for cancellation.

And unless ATF really is, as its price suggests, four times better than an F16, the money to be lavished on acquiring a small contingent of these planes might better be spent on a larger force of less magnificent aircraft. The additional development funds scheduled to be invested in ATF, about $6 billion, could readily be shifted to designing a more modest fighter that takes into account recent technical advances but does not try to be the most marvelous flying machine of all time. Higher numbers of a different fighter would even ensure jobs for pilots. ❑

THE WASHINGTON MONTHLY Journalism Award

for May is presented to

Joe Klein
New York

Klein offers a frank and insightful discussion of the "wild, inexplicable passions" that govern the politics of race. In tracing racial politics from the heady dreams of beloved community to Howard Beach and Tawana Brawley, Klein chides black militants for abandoning the goal of integration and white liberals for acquiescing. Particularly welcome is Klein's characterization of the black underclass as a problem of culture as well as of economics.

for June is presented to

John M.R. Bull
Peter Kelley
The (Harrisburg) Patriot-News

This four-part series finds serious problems within the shadowy world of the Army's germ-warfare program. Ostensibly limited to defensive research, the Army is nonetheless studying ways to deliver deadly poisons on ballistic missiles. In addition, the paper found poor security in Army labs, a lack of bureaucratic accountability, and the practice of shipping lethal substances in the mail—including a number lost or damaged in the process. The lack of safety precautions suggests we may have more to fear from laboratory screw-ups than from foreign aggression.

Kathleen Sylvester
Governing

Sylvester shows how, after losing a series of battles to local antismoking groups, tobacco lobbyists have learned how to fight back: through preemptive laws by state legislatures, where tobacco's moneyed clout is greater. In Virginia, for instance, the legislature not only rejected a proposed antismoking law but actually forbade local governments from passing their own. Thirteen tobacco lobbyists scouted the halls, while two part-timers pushed the anti-smoker's cause.

The Monthly Journalism Award is presented each month to the best newspaper, magazine, television, or radio story (or series of stories) on our political system. Nominations for any newspaper, magazine, or radio or television station in the country are welcome. The subject can be government in its federal, state, or municipal manifestation.

The award for stories published or aired in July will be announced in the October issue. Nominations for stories published or aired in August will close September 15. The winner will be announced in the November issue. Two copies of the article or broadcast text should accompany the nomination.

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Take a Number and Wait

Eva decided to take the INS up on its amnesty offer. Next came the bungling lawyer, the trip to Tijuana, and nearly two years of worrying about deportation.

by David Shaw

The lawyer said our housekeeper was "a perfect applicant for the immigration amnesty program—one of the best-documented cases I've ever seen."

We should have walked out of his office right then. After all, if Eva's eligibility was so perfect, why did we need a high-priced lawyer?

We stayed. After all, I'd decided to go to a lawyer, rather than try to process the amnesty application myself, because I didn't want to have to worry about all the bureaucratic obstacles that would have to be hurdled even in a case as straightforward as Eva's.

That was my first mistake.

Eva, a native of Mexico, had been my live-in housekeeper in Los Angeles for 12 years. Before that, she'd been the live-in housekeeper for my late wife and her previous husband for 11 years. I don't really need a live-in housekeeper any more, but Eva and her two grown sons—both of whom also live with me—had become almost part of the family, and I'd come to care for all of them (and to rely on her) a great deal. Helping her to get amnesty seemed the least I could do, especially since she'd been in this country continuously since 1965—l-o-n-g before the January 1, 1982 date required to apply for legal residence and, ultimately, U.S. citizenship under the amnesty program. Moreover, as our lawyer told us, our documentation of Eva's residence was as extensive as it was irrefutable.

The boys were already legal residents of the United States; our lawyer—call him Snagsby—said that since one of the sons, Ricardo, would automatically become a United States citizen when he turned 21 next month, we might be able to get Eva her U.S. citizenship more quickly if we bypassed the amnesty process altogether and had her apply for citizenship as the mother of a U.S. citizen. That, he said, could save as much as 18 months in "processing and waiting time"; Eva would probably be a legal, permanent resident "before the summer is over." Not only that, Snagsby said, but he would charge me "only" $200 an hour instead of his regular flat fee of $1,500 to $2,000, because Eva's case was going to be so easy.

Right.

A few days later, Snagsby sent us a two-page letter, spelling out in detail the various steps he would take in Eva's behalf—but failing, somehow, to mention the mother-of-an-American-citizen option. I wrote back, asking about this oversight and suggesting that even my limited experience with lawyers made me think it unlikely that he would be able to do everything he said he had to do in the letter in a mere eight or ten "billable" hours. I said I suspected that at $200 an hour, we would probably wind up with a bill of more than $1,500 to $2,000, not less.

Snagsby wrote back, saying I was "quite right" about the money; he suggested a flat fee of $1,250.

David Shaw is the media critic for the Los Angeles Times.

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As for his failure to mention the mother-of-an-American-citizen option—well, ". . .quite frankly, I totally forgot that option!" he wrote. I should have said *adios* right then.

I didn't.

That was my second mistake.

Instead, I wrote back, enclosing the requested first payment of $500 and asking what would happen next.

No answer.

When we did finally communicate a month later, Snagsby said he hadn't done anything yet because he was still waiting for Eva to send him a form he had mailed to her shortly after our first meeting, asking for information on her marriage; he needed that, he said, so he could apply for a copy of her marriage certificate to include with his filing.

I was furious.

Pummel them

"Eva says she never got your letter," I told him. "I don't know if it got lost in the mail or if she misplaced it or just didn't understand it, or if she just 'forgot' about your letter because this whole thing scares her so much. As I told you, she's always been convinced that any contact with the bureaucracy means she'll be deported instantly. That's why I asked you to send copies of everything to me. Why didn't you call me when you hadn't heard from her in two months?

"In fact," I said, really steaming now, "why the hell are you bothering about her marriage certificate anyway? What do you need that for? Ricardo *is* legitimate but he doesn't have to be, right? All that matters is that he was born in this country and that Eva is his mother, not that she was married, right?"

A few days later, Snagsby wrote to say, "I have thought it over and decided to pass on the marriage certificate."

He then began writing letters and filing forms with the bureaucracy. Every few weeks or so, I would call or write to ask about progress—and to make sure there had been no more unanswered letters. Every time, the answer was essentially the same: "We haven't heard anything. You know the bureaucracy. These things take time." I reminded Snagsby that he had told us Eva would "probably be a permanent resident of the United States before the summer is over." I was still reminding him of that in mid-October.

Eva, meanwhile, interpreted the delay as confirmation of her worst fears; clearly, the bureaucracy was plotting to deport her, not legalize her. After all, several friends who were also illegal aliens had applied for amnesty and they already had their green cards—proof of legal, permanent residency, incontrovertible protection against *la migra,* the immigration authorities. And none of them had hot-shot lawyers.

Finally, in mid-November, Snagsby sent me a copy of a form he'd received from the Immigration and Naturalization Service, saying Eva's initial application had been approved. Wonderful! But there was a slight hitch. Since she was born in Mexico, her file should have been sent to the U.S. Consulate in Tijuana for further processing. But the INS said it had been sent to. . .Seoul, South Korea.

> "I hate to trash your attorney," said the man at the consulate, "but how much are you paying him anyway?" I told him. He burst into laughter.

Was Eva supposed to fly to South Korea to get approval to immigrate from Mexico to the United States?

Snagsby was as enraged as I was, and we had by now developed a good-natured, bantering relationship; I liked him, my impatience with him and the bureaucracy notwithstanding.

"Do you want to hold them while I pummel them—or shall I hold them while you pummel them??!!" he asked in a note.

Gas company

I decided to do the pummeling myself—without his help. I called the INS and asked to speak to Ernest Gustafson, the district director, whose signature appeared at the bottom of the form letter asking us to submit a duplicate petition. No one seemed to know his telephone extension. I suggested they find it quickly or I'd come down and tear their eyeballs out. They found it.

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I dialed the number. Mr. Gustafson's secretary said he was on another line, and that Gustafson would "try" to call me back.

"You tell him," I said, in no mood for a brush-off, "that if he doesn't call me back in the next 30 minutes, I'll call him back—and I'll keep calling every 10 minutes for the rest of both of your miserable goddamn lives until I talk to him."

He called back 15 minutes later.

I explained in my most pleasant manner exactly what had happened. Gustafson sounded very solicitous. Very cooperative. Very understanding. He said he figured Eva's file was actually in Tijuana, not Seoul, no matter what the INS letter over his signature said.

"You know how you make out checks to pay all your bills at the end of the month and sometimes, by mistake, you put the phone company bill in the gas company envelope and vice versa?" he said. "I bet something like that happened here; they were thinking 'Tijuana' but wrote 'Seoul' because they had another file for Seoul at the same time."

I wasn't going to tell him I'd never sent my phone company bill to the gas company; I just wanted Eva's file in Tijuana, and I figured he could track it down and get it there a lot faster than I could. He asked me to bring the INS letter to his office the next day and promised to set things straight personally.

He was true to his word. True, but not fast.

A month later, we received another INS form telling us that Eva's petition was finally in Tijuana.

Now what?

The Tijuana doctor

Snagsby said Eva had to get reports from the police in Mexico saying she had no criminal record. She also had to have a physical examination—actually, just a blood test and an X-ray—by a doctor in Tijuana. Then she would go to the U.S. consulate in Tijuana to get her "green card" giving her "permanent resident" status until—five years later—she could apply for U.S. citizenship.

Snagsby made an appointment for Eva at the consulate's office, and Eva wrote to a sister in Mexico, asking her to obtain and forward the police report. But it took so long to get the report—even though Eva had no record whatever—that Snagsby had to cancel the original appointment with the consulate and schedule another one.

The day before Eva was supposed to go to Tijuana for her rescheduled appointments with the doctor and the consulate, she suddenly told me she was supposed to get a Mexican passport before leaving. It was the first I'd heard of this requirement. I called Snagsby. He said he'd told Eva about it months ago. Eva remembered no such notification. Had Eva forgotten? Or had she, ever fearful, repressed it? I knew she was terrified about going to Tijuana; she was afraid she would never be allowed to return.

Snagsby said Eva needed a photograph of herself and a letter from me to take to the Mexican passport authorities, attesting to her identity and employment. I gave her the letter and she got the photograph. That afternoon, she called me at work. In tears. She'd spent all day in line at the passport office, she said, and then they wouldn't accept my letter because it wasn't notarized and because it was written on plain paper, not on my company stationery. She said they treated her rudely, even nastily.

"Why didn't someone tell us about the notary before?" I asked. "And why do they want a letter on my company stationery? You don't work for my company; you work for me—personally."

She started crying again.

The Scotch tape solution

Snagsby canceled Eva's appointment at the consulate's office in Tijuana again. Then he sent me a bill for another $500 plus costs. That meant I'd paid him $1,000 (plus about $140 in miscellaneous "costs"), and Eva still didn't have her green card.

I wrote the letter and had it notarized and attached Eva's picture to it, and she went back to the Mexican passport authorities.

That afternoon, she again called in tears. The letter was supposed to be written in Spanish, she said. And her photo was supposed to be "canceled"—whatever that meant. And the authorities had been rude to her again. They would only be nice to someone like me, she said—meaning an Anglo with, in her perception, "money and power."

I called the Mexican passport office and asked for Senor Ramirez, the man Eva said had refused to accept my letter. He was very polite. Yes, he remembered Eva. Yes, the photo was supposed to be "canceled" or "sealed." What did that mean? Should it be "sealed" in plastic or "canceled" like a stamp—and if so by whom? Did Senor Ramirez want the notary's stamp on Eva's picture? Yes, that was it. But what was the notary supposed to notarize—that the picture was Eva, that the woman in the picture was my housekeeper? The notary couldn't know any of that, I said; she could only know what I told her.

I hung up in frustration.

The next day, I took Eva back to the passport office myself—having first Scotch-taped her picture to the letter, covering it completely, "sealing" it. I signed my name—in ink, with a flourish—across the top of

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the Scotch-taped picture. Then I thrust it in front of Ramirez.

"There," I said, "it's canceled."

Eva would be fine now, Ramirez said. I could leave.

Within an hour, Eva had her temporary, six-month passport. That very day, Snagsby sent a telegram to the U.S. consulate in Tijuana asking for a new appointment for Eva.

> There was a slight hitch. Since she was born in Mexico, her file should have been sent to the U.S. consulate in Tijuana for further processing. But the INS said it had been sent to. . .Seoul, South Korea.

Eva, who was supposed to be a permanent resident of the U.S. by the end of summer 1987, would now have her appointment in the fall of 1988—September 27th, to be precise.

Two weeks before her appointment, Snagsby met with me, Eva, and Ricardo in his office. Snagsby was calm and precise and reassuring. "You won't have any problems," he said. "You go to the doctor's office in Tijuana, Monday, September 26 for your X-ray and blood test. They'll have the results by the end of the day, and the next day, you'll take them and your documentation to the consulate at 9 o'clock in the morning."

A few days later, I received another bill from Snagsby—for $240 (plus $3.90 in costs). That meant he'd billed me a total of $1,240 (plus costs) so far. What about the other $10? I didn't ask. I just paid it. Eva was too close now.

On Sunday, September 25, Eva and Ricardo left Los Angeles for Mexico. That afternoon, Ricardo called me, as I'd asked him to do. "Everything went fine," he said. "But we can't get the doctor's test results until early tomorrow morning—6 o'clock."

Hmmm. If there were any delays, Eva might not make her 9 a.m. appointment at the consulate. But there wasn't much I could do.

Snagsby's promise

That night, I'd booked Eva and Ricardo and myself into a hotel in Rosarito Beach, 20 miles south of Tijuana. The next morning we went to the doctor's office, where, after only a slight delay and modest confusion, we got the medical results. Next, we walked to the American consulate, where we had to wait, stand in line, wait, go to one window, wait, go to another, pay $125, wait, go to a third window, wait, go to a fourth window and pay another $25. The whole process took almost three hours, but the consulate staff couldn't have been more friendly or helpful. The man who interviewed Eva was polite and respectful, as Snagsby had promised, and he was thrilled to see in his file that I worked for the *Los Angeles Times*.

"I learned everything I needed to know to pass the Foreign Service exam from stories in the left-hand column of the [front page] of the *Times*," he said.

But he couldn't understand why we had hired Snagsby.

"You could have done all this yourself," he said as he thumbed through Eva's file. "You should have gone the straight amnesty route; it would have been faster and cheaper."

He furrowed his brow as he looked at one of Snagsby's forms. "Why did he file this?" he asked. "This is for a third-country national, not a Mexican national, and it's a defunct program anyway."

He shook his head. "I hate to trash your attorney but—how much are you paying him anyway?"

I told him.

He burst into laughter.

We headed for our last stop—the border—where an immigration officer took the sealed envelope that the consulate had given to Eva and stamped her passport—good for six months. Her immigration problems were over. She could come and go across the border—or anywhere else—without fear of deportation. Finally, after more than 20 years in the United States, Eva was legal. All she had to do was wait for her green card to come in the mail to make it permanent.

"How long would that take?" I asked.

"Two or three weeks," said the consulate.

"Five or six weeks," said Snagsby.

"Three months," said one immigration officer.

"Six months," said another immigration officer.

It came November 4—just under six weeks. For the first time during the entire process, Snagsby had been right. ❑

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MEMO OF THE MONTH

The City of New York Office of the Mayor Office of Management and Budget

Municipal Building
New York, N.Y. 10007

July 11, 1989

MEMO TO: OMB Staff

FROM: Sharon Rush, Director
Personnel Management and Administration

RE: Bathroom Doors and Security

Recently, we have noticed that signs have been posted on the bathroom doors to identify which ones are for men and which are for women. Several years ago, after a mugging occurred in one of our bathrooms, we consulted with the Police Department's Crime Prevention Bureau concerning security in our agency. One of the steps we were advised to take was NOT to identify the bathrooms. Therefore, we removed the *Men's* and *Women's* signs from the respective doors.

Recently, we have been informed that some visitors have gone into the wrong restroom which, of course, is quite embarrassing. For this reason, we are going to use a single letter to identify the restrooms: X for women and Y for men. These signs are on order and will be installed as soon as they arrive.

In addition, because the combination number which came with the bathroom locks is standard and, therefore, widely known, the combination numbers will be changed. The new combination numbers will be the same on the 10th, 11th, 12th and 13th floors. However, the number for the women's bathrooms will be different than the number for the men's bathrooms.

The new combination numbers will be in place on Wednesday, July 12th. We will notify each unit secretary of the new combination numbers today. If, by the end of the day, you have not received the new combination, please call either Carlene Sclafani on extension 4301 or Kami Scott on extension 4303.

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Warning: Sports Stars May be Hazardous to Your Health

Sports celebrate health. Cigarettes cause death. So what's that Marlboro sign doing at Shea Stadium?

by Jason DeParle

In case you missed it, this year's press guide to the Women's International Tennis Association is an impressive volume. Its 456 glossy pages bear tribute to what the guide immodestly calls "one of the greatest success stories of the modern sports world"—how women's tennis stepped from obscurity into the limelight of the Virginia Slims circuit, where this year players will compete for more than $17 million in prize money. Just twenty years ago, the nation's best women tennis players languished before small crowds on high school courts. Now, the guide says, with their own massage therapists and "state-of-the-art forecasting system," they've become "synonymous with style."

They're synonymous with wealth, too: Chris Evert's $8.6 million in lifetime earnings places her a distant second to Martina Navratilova's $14 million. But most of all, they're synonymous with fine physical form. Sprinkled throughout the media guide are photos of athletes in peak physical condition: Manuela Maleeva bends "low for a forehand volley," "Hana Mandlikova intently awaits a return," "Gabriela Sabatini puts to use her 'smashing' backhand."

Those of us less physically gifted than Hana Mandlikova can't help but envy the strength in her legs, power in her arms, and stamina in her lungs as she pauses, racket poised, before exploding into her backhand. It's precisely the rareness of these qualities that brings us to admire her so, and to pause a moment when looking at her picture. Because as Hana Mandlikova intently awaits a return, she does so in front of a big sign that says "Virginia Slims"—a product not known for promoting the powers of heart and lung that lie at the center of her trade. In fact, throughout the guide—not to mention the nation's sports pages and television broadcasts—we find these stars showcasing their enviable talents in front of cigarette ads. The bold corporate logo of the Virginia Slims series emphasizes the bond: a woman, sassy and sleek, holds a racket in one hand and a cigarette in the other.

This is odd. Tennis champions, after all, are models of health, particularly the health of heart and lungs, where endurance is essential. And cigarette smoking, as the Surgeon General recently reminded, "is the chief avoidable cause of death in our society"—death, more precisely, from heart and lung disease.

Struck by this seeming contradiction, I called Renee Bloch Shallouf, whom the guide lists as Media Services Manager for the players union, and asked if she, too, was impressed with the incongruity. "I think I'll defer this one over to Virginia Slims," she said. "They're the sponsor. We're just the players union. All I can do is give you a personal opinion."

Jason DeParle is an editor of The Washington Monthly. *Daniel Mirvish, John Larew, John Heilemann, Michael Carolan, and Anita Bose provided research assistance.*

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Photo credit: Alan Blum, MD/DOC Tobacco Archive.

"What is your personal opinion?"

"Noo—hoooo," she said, keeping the answer to herself.

Shallouf ended the conversation by saying, "If I find somebody opinionated—someone willing to give their opinion—around here, I'll call you."

Turning back to the media guide, I flipped to the section marked "Virginia Slims Personnel," and, to my surprise, found a familiar face on the page. There, bearing the impressive title of "Director, Worldwide Operations," was Anne Person, a college classmate of mine. Perhaps she would have some thoughts on the compatibility of tennis and tobacco. But, though she answers a phone at Philip Morris headquarters, she said she was only a "consultant" and that she worked "only on the tennis end." As for her thoughts about tobacco, she said, "I just can't do it. I don't choose to do it. . . . Regarding the tobacco issue, I don't choose to share my opinions." She suggested I call Steve Weiss, the manager of media relations for Philip Morris, U.S.A.

When I did, Weiss sounded astonished. He said he found the question—is there a contradiction between the vigor of athletics and the disease caused by cigarettes?—a breach of journalistic ethics. "Are you editorializing?" he said. "I disagree with your premises. . . You're saying that cigarette smoking causes a disease? Can I ask you something? Is that your opinion? That's a very opinionated statement. I'd appreciate a little more openmindedness. . . . I disagree with a journalist who calls and issues a very opinionated statement, when the credo of journalism is balance, fairness, and accuracy." He referred me to the code of reportorial probity, as articulated by the professional society, Sigma Delta Chi.

We backed up and started again.

Q: Does smoking lead to disease?

A: "I'm not a doctor. I would leave that to more informed individuals."

Q: Is the Surgeon General an informed individual?

A: "I think the Surgeon General is but one voice among many in the continuing debate about cigarette smoking."

On it went for about an hour, a stock recitation of the Philip Morris line. Or almost—there was a momentary point of diversion. Insisting that Philip Morris was not trying to make cigarettes seem glamorous, Weiss said, "We don't ask any of our players to smoke. *I doubt many, if any, do.*"

Hmmm. . . . and why is that?

Pause.

Then, growing agitated, Weiss said, "That's their choice. You have to ask them. I'm not qualified to answer that. I am absolutely not qualified to say what anybody does or does not do. *I'm retracting that, Jason. . . .*"

At that point, Weiss's voice took on the tin echo of a speaker phone. "*I want you to know that I'm recording this conversation,*" he said.

Smokes Illustrated

The fit athletes of the Virginia Slims circuit who swat balls in front of cigarette ads, in a tournament named for a cigarette brand, pocketing large sums from a cigarette company's largesse, are but a small subset of the great marriage of sports and tobacco. A large and growing number of sports now lend their athletes' credibility as fine physical specimens to the tobacco companies, whose products, by the Surgeon General's estimate, kill about 1,000 people a day. Cigarette manufacturers exploit sporting events in a variety of ways, ranging from such old-fashioned strategies as stadium advertising to the virtual invention of eponymous sports, like Winston Series Drag Racing or Marlboro Cup horseracing. When the pitchmen of Philip Morris say, "You've come a long way baby," they could very well be congratulating

> "I'm sure that's why Virginia Slims put up that money—so they could get the recognition, the association with sports and health. . . ," said one ABC executive. "I think it's clever. They found a loophole."

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themselves; their success in co-opting the nation's health elite to promote a product that leads to an array of fatal diseases is extraordinary.

But they couldn't have done it alone. For starters, they needed the cooperation of the athletes, and, with a few praiseworthy exceptions, they've gotten it. When Billie Jean King set out 20 years ago to find a sponsor for women's tennis, she may have needed Philip Morris as much as it needed her. But these days, she and the other stars of women's tennis have actually had to fight off other corporate sponsors who would welcome the chance to take over. The tobacco companies have also needed the help of sports journalists, and, again, they've gotten it. The daily papers have been silent. The big magazines, like *Sports Illustrated*, are thick with tobacco ads and thin on tobacco critics. And the networks have been perfectly happy to show an infield decked with Marlboro banners, race cars painted with Marlboro signs, officials wearing Marlboro logos—while pretending that cigarette ads are still banned from the air.

The marriage of cigarettes and sports has at least three insidious consequences. The first, and perhaps most troubling, is that it obscures the connection of cigarettes and disease, subliminally and perhaps even consciously. Quick: speak the words "Virginia Slims" and what do you see? A) Chris Evert, or B) the cancer ward? If you answered A)—and most people do—then Philip Morris has you right where it wants you. (The recognition of this power is why the soccer star Pele won't pose near cigarette signs.) The second troubling fact about cigarettes' tryst with sport is that it allows them to penetrate the youth market. Cigarette spokesmen self-righteously insist they have no such goal. But tobacco companies desperately need teen smokers for the simple reason that few people start smoking once they are adults; and there's scarcely anyone more glamorous to a teenager than a star athlete. The third reason why cigarettes' infiltration of athletics is bad is that it circumvents the ban on television ads. Previously, cigarette companies had to hire actors to play athletes in their commercials, but now they've got the real thing.

Emphysema Slims

For those keeping moral score, cigarettes' involvement with aerobic sports, like tennis and soccer, is probably the most indefensible, since the respiratory fitness those sports require and represent is precisely what cigarettes deprive people of. That is, race car drivers can smoke and drive, but soccer stars certainly can't smoke and sprint. That doesn't mean race car drivers are welcome to promote cigarettes, of course. Their ties to tobacco endanger the public health by continuing to make cigarettes seem glamorous to kids, and by keeping the cigarette signs on T.V.

For leads on many of the following items, I am indebted to Dr. Alan Blum, a Baylor physician whose anti-smoking research and protests (like the staging of an "Emphysema Slims") makes him the Don King of the anti-smoking world:

Soccer: Besides the world's most enviable lungs, soccer offers cigarettes two other advantages: wild overseas popularity at a time when American tobacco companies are stepping up their Third World trade, and a growing popularity among American youth.

Camel cigarettes, manufactured by R.J. Reynolds, was one of four major sponsors of the 1986 World Cup in Mexico City. Among the privileges it received in return was the chance to post four seven-meter Camel signs next to the field, where the worldwide television audience of 650 million for the final game alone could see them.

A brochure by ISL Marketing, a firm that handles World Cup marketing, explains: "The launch of their Camel Filters in Mexico was arranged to coincide with World Cup 86. . . .The team of Camel girls was stationed at each stadium distributing free samples . . . . Sponsorship of World Cup 86 provided Camel with a golden profile that reflected its product image of independence, masculinity, and adventure."

Earlier in the decade, RJR even tried to field its own World Cup club. In sponsoring the 1983 "Winston Team America Series," it compiled an all-star team and held a 30-game series against the pros in major stadiums across the country. During half-time, fans joined a contest to kick a ball through the "o" in a Winston sign.

Baseball: Cigarette companies have ads in 22 of the 24 Major League ballparks in the United States, typically in spots that enhance broadcast coverage. The camera near the visiting team dugout at Shea Stadium, for instance, which is used to capture men leading off first base, frames the player with the Marlboro sign in left-center. [See photo, page 35.] At Fenway Park in Boston, a sign for the Jimmy Fund for cancer research, a favorite Red Sox charity, hangs above the right field bleacher. So does a Marlboro sign.

Skiing: For about eight years, until last season, Loew's sponsored the Newport Ski Weekend, which offered half-price lift tickets in exchange for cigarette boxes. Philip Morris invites skiers at a number of Western resorts to take the "Marlboro Challenge," a plunge down a timed race course festooned with Marlboro flags.

In the 1983-84 season, RJR's brand, Export A, became the official sponsor of the Canadian Ski Association, which oversees the country's major

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competitions. The company's original contract called for "the exclusive right. . . to identify itself or its products (including name, logo, and colours) on: flags, poles, course markers, scoreboards, award presentations, start banners. . . all buildings, podiums, backdrops. . . ." To be sure no one missed the point, the contract added: "The Association shall use its best efforts to have the events telecast on national network television."

But the Canadian skiers rebelled, with some refusing to accept league trophies. The contract was modified following the protest, and the controversy led finally to a ban on all tobacco advertising in Canada. Ken Read, who represented Canada twice in Olympic

The Worst City Government

No tour of the foibles of city governments would be complete without a visit to Philadelphia, where budget crises have become a way of life. The first sign that the local budget was heading for trouble was when Mayor Wilson Goode, running for reelection in 1987, announced that city finances were fine and that the budget would be balanced with no tax increases.

Nobody believed that, but Goode won reelection anyway and discovered almost immediately that the budget was ailing. According to him, the earlier forecast had been "optimistic." City Council sized up the looming budget crisis and reacted by throwing itself a $100,000, invitation-only inaugural bash, complete with flowers, plaques, a mariachi band, and a $25,000 videotape of the ceremonies, which has yet to be shown publicly. The cost of the videotape alone is roughly what a working-class Philly family with an income of $20,000 a year will pay in total taxes over the next decade. After newspaper reports of the expenses, Council President Joe Coleman felt badly enough that he repaid the $1,985 liquor bill.

But feeling slighted that only mayors get their portraits hung, Coleman authorized $23,000 for paintings of five council presidents, himself included. Never mind that one of those pictured, George X. Schwartz, went to federal prison in 1985 for conspiring to extort a $30,000 payoff in the Abscam scandal. In addition to the expense, the quality of the work has been questioned. One horrified critic's reaction: "Call the art police."

Deficits are nothing new to the council's leading budget expert, John F. Street. This budget whiz is currently in federal bankruptcy court staving off creditors demanding tens of thousands of dollars. Among the debts is an unpaid city gas bill of $5,600. Whoops—Street is a former member of the Gas Commission.

Goode too has failed to inspire confidence. The mayor insisted on $70 million in higher taxes for the fiscal year that began July 1, 1989, and scheduled a series of town meetings to sell his idea. When residents howled their opposition, Goode appointed a task force, which concluded that before raising taxes, "the [city] government must do a better job of demonstrating to Philadelphians that they are getting real value for their tax dollars."

One reason for this lack of faith is the hole in the ground at 13th and Filbert Streets, a block from city hall. Instead of the modern Criminal Justice Center that had been planned for the location, the only thing there is a debris-filled chasm. You could call it Rubble Without a Cause, except that Goode's critics pin it on the mayor. City law requires that 15 percent of city contracts go to minority-owned firms, but Goode decided to more than double that to 35 percent for work on the center. When the first contractor turned out to have legal and financial troubles, Goode rebid the work at 30 percent. Bids came in so high that he then cancelled the project, into which the city had already poured $30 million.

Then there's Philadelphia's million dollar computer system that never was. It was supposed to track information on payroll, pensions, and personnel, but by January 1987, a consultant pronounced the project "brain dead." Not until last September did city officials finally, and quietly, pull the plug. Total cost to taxpayers for the system that never worked: between $4 million and $6 million, depending on who's counting; that's more than half the money the city spent on AIDS this year.

In December 1986, auditors for the city noticed that more than 550 business people who owed $7.8 million in city taxes were nonetheless getting some whopping tax breaks under programs designed to foster development, construction, and repairs. The audit's recommendation: Don't do that. Council agreed and passed a bill, signed by Goode in June 1987, in effect barring tax breaks for tax cheats. But for 16 months the tax breaks continued, and, with few exceptions, none of those back taxes rolled in.

Speaking of tax breaks, buyers of condominiums in a 33-story building overlooking upscale Rittenhouse Square received what could total $2.4 million in tax breaks thanks to Mayor Goode. When the project was delayed, Goode gave the developer an assist by declaring the luxury apartment building "deteriorated property," thus giving condo buyers tax breaks of between $30,000 and $130,000. Meanwhile the city Commerce Department studied such writeoffs and concluded that the city is wasting perhaps $50 million a year enticing businesses that would come to Philadelphia anyway.

—Dan Meyers

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skiing and is now a broadcaster, was among the leaders of the protest. "I think it's inappropriate for a cigarette to sponsor any sporting event—period," he said. "It's incompatible with the objective of sport—to promote a healthy lifestyle."

I asked Read what he thought about the cigarette companies' argument that they're only promoting brand loyalty and, therefore, not encouraging kids to smoke. "That's absolute garbage," he said. "When you're using sports as a tool, you're influencing youth."

Horse racing: Rather than take over an existing horse race, in 1973 Philip Morris simply went out and created one from scratch: the nationally-televised Marlboro Cup, which it sponsored until 1987.

In a interview with *The Daily Racing Form*, Ellen Merlo, director of marketing promotions at Philip Morris, explained the event's appeal: "First, it has created enormous visibility for Marlboro. There are newspaper stories leading up to and following the race that mention the Marlboro name frequently, and this is excellent exposure. Secondly the image of horse racing and the imagery of the Marlboro Man campaign seem to have reinforced each other. The man on the horse theme is central to both, and we feel it has worked well as a partnership."

Autoracing: Since 1971, RJR has been the chief sponsor of NASCAR's premier circuit, the $18 million, 29-race Winston Cup Series. This is a sport that has other problems besides cigarette sponsorship, of course—such as encouraging 16-year-olds to play Richard Petty on the interstate. As they do, the word "Winston" may quickly come to mind: one of the races is called the Winston 500; another is simply known as The Winston. The driver who accumulates the most points during the season wins the $1 million Winston Cup. The driver who wins three of the top four races wins a bonus called, accurately, the Winston Million—you get the idea.

"We're in the cigarette business. We're *not* in the sports business. We *use* sports as an avenue for advertising our products. . . ." said Wayne Robertson, an RJR executive, in a trade journal. "We can go into an area where we're marketing an event, measure sales during the event and measure sales after the event, and see an increase in sales."

If this list seems lengthy, don't forget it omits the Vantage Golf Scoreboard, Salem Pro-Sail races, Lucky Strike bowling, the Winston Rodeo, Benson & Hedges on Ice, and any number of other cigarette-sponsored sports. It also omits Camille Duvall, champion water skier and the cover girl for the current issue of *Philip Morris Magazine*, where the company that insists its interest in athletes has nothing to do with glamour, describes her as "gorgeous—swimsuit issue, pack-it-in-Paulina, no-exaggeration, gorgeous."

Those who think that tobacco's conquest of sport is complete, however, can take heart—according to the *Chicago Sun-Times*, Philip Morris recently lost the $12,000 sponsorship of the U.S. boomerang team to an anti-smoking group called Doctors Ought to Care, which is run by Alan Blum. Philip Morris "promised us all kinds of publicity," the team captain, Eric Shouffer, told the newspaper. "If we'd wear big Philip Morris logos on our chest, they told us we'd be on 'Good Morning America' and so on."

It wasn't just conscience that governed the team's decision, Shouffer said, but practical considerations, too: One member is an asthmatic "who falls over dead when he gets near smokers."

The man with the cough

Lung cancer, which is almost always fatal, is a curiously polite disease. It glides through the body, making itself at home but careful not to cause a fuss. The chest may be its harbor but it can sail wherever the bloodstream goes, and it explores the body at leisure. It can list south toward the groin, or tack its way north to the brain; it can stretch out yawning on beaches of bone marrow. It is lazy and can afford to be. It is confident. It announces itself at the time of its choosing. One day, it knocks.

By then, the average man—or, increasingly, woman—hasn't been feeling his usual robust self for three months or so. He's 55 or 60 years old, and has been smoking most of his life, but never had any problems as a result. It was just a cough at first, with a bit of mucous, and sure to go away in another week. Then the mucous disappeared, but the cough kept hanging on. His appetite began to slow.

Let's have a look, the physician says. Though there's something oddly reassuring about the touch of his cold stethoscope on the patient's chest and back, it's less reassuring to be directed in front of the X-ray machine. There is something there, the doctor reports—pneumonia, maybe—but he's careful not to sound too alarmed. It might be nothing that 10 days of antibiotics can't cure. Ten days later, when the cough and the spot on the X-ray have endured, it's time for another look.

The word cancer *has been there all along, but no one's wanted to say it. And with good reason—from the time it first gets uttered, the average lung cancer patient will live less than three years. Perhaps the doctor will say it first: The purpose of the biopsy, he explains, is "to rule out cancer." A phrase like "let's not get worried until we know what we're dealing with" will almost certainly follow. We're just going*

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to remove a small piece of tissue, the physician says; you can expect some discomfort.

Draped in a soft blue gown, the man with the cough gets wheeled into a 65-degree room, where a surgeon snakes an optic fiber down his throat and snatches a piece of lung. A pathologist slices the sample, using one portion to prepare a quick slide and saving the rest for future tests. In the waiting room, there is a human community—wife, children, friends from work, grandchildren perhaps—that is connected through nerves and fears, or, maybe, prayers. The initial indication may come as quickly as 15 minutes, but final confirmation can take three or four days—itself a sample of the waiting that will fill future months. Time seems to stop until the word arrives.

If the word is something like squamous cell carcinoma—*lung cancer—there will begin a difficult discussion indeed.*

Hacking hags

Whether or not the figure of 1,000 deaths a day presents tobacco companies with a moral challenge, it certainly presents them with an economic one: how to replace the thousands of people their products kill each week. To some extent, cigarette companies have been losing the war. In 1965, 40 percent of American adults smoked; by 1987, this figure had dropped off to 29 percent. But while cigarette consumption is declining, it's declining least among blacks, women, high school drop-outs, blue-collar workers, and other groups whose members tend to lead more difficult lives. The more marginal one's status in society, the more likely one is to smoke.

Since 1971, when the ban on televised cigarette ads took effect, the cigarette companies' efforts to reach their target audiences have grown more complicated. The story of the ad ban is an interesting one in itself, and perhaps its most salient moral is that, despite the immense wealth and power of the tobacco companies, there is, in fact, much that one person can do. In this case, the person was John Banzhaf, a 26-year-old law school graduate. Noting the saturation of TV with cigarette ads, he sent off a three-page letter to the Federal Communications Commission, arguing that the Fairness Doctrine required broadcasters to give anti-smoking groups their say. To nearly everyone's surprise, the FCC agreed, announcing in 1967 that henceforth broadcasters should air one anti-smoking spot for every three or four cigarette commercials.

Anti-smoking groups took to the air with an inordinate amount of creativity. Though television viewers

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were still being blitzed with ads that showed happy smokers in vigorous poses, now they received other visions too: a Marlboro-like man, bursting boldly through the saloon doors, only to collapse in a fit of coughs; a wrinkled hag on a respirator, cigarette in hand, asking, "Aren't I sexy?" Though still outnumbered, these hacking, wincing images of death began to register: cigarette consumption declined in each of the next four years. The cigarette companies weren't just losing the battle; through the Fairness Doctrine they were subsidizing the other side's artillery. In 1970, they went to Congress to say they wanted out.

The withdrawal wasn't as easy as it might seem, however. If one company withdrew its ads, it ceded an advantage to its competitors; if all withdrew at once, they were subject to antitrust reprisals for collusion. What they needed was an order: ban us, they asked. Perhaps the constituency least pleased by this prospect was the broadcasters, who were then banking about $250 million a year in tobacco ad revenues. Though Congress finally passed the ban over the broadcasters' objections, the TV executives, to whom the term "conscience-stricken" could not fairly be applied, did win a soothing concession: the ban didn't take effect until midnight on January 1, 1971—after the commercial-thick bowl games were aired.

Cigarette strategists now had to contend with a more complicated world. They still needed to saturate the culture with the idea that smoking leads to happiness, but television, their most powerful weapon, seemed off limits. *Seemed* is the operative word here. By channeling some of that $250 million ad budget into sports sponsorship, cigarette companies were right back on the air. Consider the timing: Virginia Slims, born 1971; Winston Cup racing, born 1971; Marlboro Cup horse racing, born 1973. Sports sponsorship has become such an spectacular success that by now all kinds of corporations want in—the John Hancock Bowl, the Mazda Gator Bowl. "We have a waiting list for inside billboards," says Jane Allen, who works in the marketing department of the Charlotte Motor Speedway. "Everybody in the business knows it's because of TV coverage."

A cardinal sins

But tobacco's problems extended beyond the TV ban, and sports was only part of the answer. Since 1964, the industry had been stuck with the Surgeon General's warnings and increasingly vocal criticisms of their products. What the tobacco industry needed was friends, and its strategy for finding them was sound: it decided to buy them. Donning the mask of philanthropy, the tobacco companies have courted not only athletes but ballerinas, modern dancers, jazz musicians, museum curators, unions, civil rights groups, feminists, religious leaders—almost anyone with a glimmer of uprightness and a use for cash.

> "We're in the cigarette business. We're *not* in the sports business," said one RJR executive. "We *use* sports to sell cigarettes."

The Guggenheim Museum. The Joffrey Ballet. The Whitney.

The purpose of this fevered gift-giving has been to divert the public's attention from what tobacco companies really do: lure people, particularly young ones, into buying a highly addictive drug, which, if used as intended, courts death. In this, they are no different than crack peddlers. The Surgeon General has likened the addictive powers of nicotine to those of heroin and cocaine: all of them create psychological and *physical* cravings; each causes a chemical reaction that makes the body want more. As anyone understands who's watched someone they care for try to quit, the pack-a-day smoker "chooses" his habit as freely as the cocaine addict chooses his. Cocaine and heroin inflict their damage more quickly; but cigarettes kill more widely. It is cigarettes, not cocaine, that cause about 390,000 deaths each year according to C. Everett Koop.

In respectable society today, cocaine peddlers are objects of scorn. But cigarette peddlers are jauntily strolling the halls of their latest museum exhibits. The tobacco companies need this false status as respectable corporations in order to survive. If the world saw them as the drug pushers they are, Congress would ban their ads, if not their product, and Drug Czars would join the fray. By accepting tobacco sponsorship, the country's singers, dancers, curators, and the like help ensure this doesn't happen. While accepting the Devil's money may be defensible if you give nothing in return, the recipients of tobacco largesse have given something very precious

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indeed, the one thing the cigarette sellers could never earn on their own: respect.

Thus comes Philip Morris beneficiary Alvin Ailey, writing the Surgeon General last year to call tobacco executives "enlightened. . . . generous patrons," and to argue that, "A nation has a cultural health as well as a physical health." Thus comes Terrence Cardinal Cooke to say a prayer at a cigarette-sponsored display of Vatican art, leading one Philip Morris vice president to boast, "We're probably the only cigarette company on this earth to be blessed by a cardinal."

While tobacco's been busy assembling this circle of courtiers, athletes aren't just any members of the court. Their unique evocation of health, access to television, and influence on teenagers makes them especially prized, and a report this year by the Surgeon General adds extra emphasis to the point about youth: "The uptake of smoking is now a phenomenon that occurs almost entirely during the teenage years. . . ."

Tobacco spokesmen have a way of sounding positively wounded when someone suggests they're scheming to entice the young—the Tobacco Institute even funds an anti-teenage smoking program. It's not advertising or athletes that cause teenagers to start smoking, but "peer pressure," says Steve Weiss, the Philip Morris spokesman and ethics buff. As if peer pressure were something that filtered down through the ozone layer and had nothing to do with race cars and tennis stars.

Mets to RJR: Drop dead

Of course, cigarette companies couldn't co-opt athletics if athletics wasn't willing to be co-opted. For the most part, that willingness consists not of active promotion but of silence, which is just as necessary to the cigarette salesmen's success. Imagine how many baseball fans, teenage and adult, would get the message if Darryl Strawberry held a press conference to denounce the indecency the Marlboro sign lends to the Shea Stadium outfield. Or better yet, trotted out with a paint brush to cover it up. What could the Mets management do? Bench him?

While Strawberry's probably valuable enough to get away with it on his own, lots of lesser players aren't. Alone, that is. But imagine if the entire Mets roster signed a petition, refusing to play the 1990 season under the Marlboro banner—refusing to donate their authority as athletes, T.V. stars, and teen idols to the nation's number one health hazard. Look northward, New York Mets! The Canadian skiers told RJR to drop dead—you can, too!

What the athletes need is a little leadership, and one place where you might hope to find it is the office of Dr. Bobby Brown, the American League president, former New York Yankee, and *cardiologist*. In 1985, Alan Blum, the anti-smoking activist, wrote to Brown and suggested he do something to remove cigarette ads from stadiums. Brown wrote back a nothing-I-can-do letter ("legally permitted," "forced to recognize an individual's rights") promising serenely that, "This is an ongoing problem, however, that we will continue to address."

I called Brown recently to see how the progress was coming. Major League Baseball, after all, forbids athletes from smoking in uniform—why can't it forbid them from playing in front of cigarette billboards? Isn't the purpose of the uniform ban to keep baseball players from promoting cigarettes? Brown couldn't have been more disingenuous: he said he didn't know the reason athletes were forbidden to smoke in uniform, just that it was on the books and he didn't feel compelled to change it.

As for billboards, Brown agreed that "anytime you have advertising, the tobacco companies think you have a chance of increasing sales—that's why they're doing it." To remove them, however, would be "unrealistic," since tobacco companies could still advertise elsewhere, such as in subways. Maybe even Brown didn't want to hear himself offer this explanation, however, because he began to sound annoyed. "Who are you, sir?" he asked. "Who funds you?" When I suggested that subways might not pack the prestige of Major League Baseball, and, anyway, someone needed to take the first step, he got angrier. "It's *unrealistic* for tobacco ads to be removed from baseball parks," he said. Then he hung up.

Most athletes can probably claim to have given the issue little thought (some too convincingly). Brown at least can claim that he's not actively soliciting the billboards, just shrugging his shoulders while others do. But I'd like to know what people like Billie Jean King, Chris Evert, and Martina Navratilova—athletes who have thought it over, and pledged the cigarette companies their fidelity—can claim, but they aren't returning phone calls on the issue.

"I believe in free enterprise," King said in 1983, on one of the few times she's been publicly quizzed on her tobacco ties (significantly, it wasn't a journalist but an anti-smoking activist who asked the question). King went on to say that "Personally, I hate cigarette smoking. I hate cigarettes. Ninety-five percent of the girls do"—as though this excuses her prominent role in their promotion over the past two decades, as though this justifies her taking the court against Bobby Riggs in 1973 dressed in Virginia Slims colors, with Virginia Slims sequins on her chest. What she's saying is this: Let someone else get lung cancer; it won't be me; and I'll get rich and famous in

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the process.

In the two decades that King's been selling Philip Morris her image of vigor—she not only played Riggs, remember, she beat him—lung cancer has overtaken breast cancer as a leading cause of women's death. And what are King & Co. doing about it now? Continuing to coo about how "loyal" Philip Morris has been, while rebuffing a bid by Proctor & Gamble last year to take over the women's tour.

Pam Shriver's career earnings are $3.9 million. "I don't feel bad at all about looking somebody in the eye and saying, 'Virginia Slims is our sponsor,' cause they're a great sponsor," she said in 1986. "Too bad they're a cigarette."

The tissues' revenge

The average American smoker consumes about 7,000 cigarettes a year. If he inhales each one six times—a modest estimate—then 42,000 jet streams a year travel down his throat and into his lungs and out his mouth and nose, bathing the tissues of the respiratory tract in clouds of smoke and nicotine. Lung cancer is the tissues' revenge. Sometime, somehow, a cell rebels and begins to divide. One cell becomes two, the two become four, the four become eight, and the cancer is off and racing.

If lung cancer is caught in an early stage, that is, if it's anatomically confined, there's a chance it can be surgically removed. But the disease rarely gives itself away before spreading so far that surgery is no longer an option. Back from biopsy, then, the man with the cough will have two options. The type of lung cancer known as "small cell" may respond to chemotherapy, although the response, even when complete—driving the cancer from all medical detection—almost never stays that way.

Doctors know how to kill cancer cells. The problem is what they call the "therapeutic-to-toxic ratio"—how to kill cancer cells without killing other cells too. During chemotherapy, the patient will almost surely succumb to wild fits of vomiting. His hair will fall out. His body will go limp. For days afterwards he may feel too exhausted to lift himself from bed. If the process works and the cancer goes into retreat, chemotherapy can earn the patient a modest extension of life.

The second type of lung cancer, known, straightforwardly enough, as "non smallcell lung cancer," does not respond to chemotherapy. It may respond to radiation. When it's time for the bombardment to begin, the patient will stretch out beneath a linear accelerator—a hulking structure that, resembling a 10-foot microscope, hunches over his form. When technicians turn on the switch, a 12.5 ton medical marvel will send between 180 and 300 "rad" burning into the diseased cells. A tumor the size of a cubic centimeter—the size, say, of a bouillon cube—will contain about a billion cancerous cells. If treatment kills a billion minus one, the patient is still left with a fatal disease, for the one that survives will continue to divide.

Breast cancer, testicular cancer, prostate cancer, and others have all been known to succumb to the linear accelerator's might. But lung cancer rarely loses. Within five years of diagnosis, 87 percent of those afflicted can expect to be dead.

Lying on the table, the man with the cough feels nothing. Only the tension of waiting.

'A loophole'

Just as it takes a certain physiological culture for cancer to conquer a lung, it takes a certain journalistic one for tobacco to conquer sports. And sports journalists, for the most part, have provided it. The major components of this culture are indifference ("I just report the news; I don't make it") and rationalization ("It's a legal product; people can make their own choices")—with a generous sprinkling of publisher's greed, in the form of cigarette ads. Relish for a moment the thought of a Sam Donaldson of sport trailing Chris Evert and you get a sense of how vulnerable athletes would be to a determined inquiry: "Ms. Evert, lung cancer has just surpassed breast cancer as a killer of women; why do you display your athletic talents in front of that Virginia Slims banner? Don't you care about the welfare of women? Does money mean that much to you?"

And it's not as though sports journalists can't see what's going on. As Lydia Stephans, programming manager for ABC Sports, said, "I'm sure that's why Virginia Slims put up that money—so they could get that recognition, the association with sports and health. Otherwise why would they want to pump millions of dollars into sports? They can't do it by putting a commercial on the T.V. They used to show people sailing around smoking cigarettes. So now they do it through sports. . . On their half, I think it's clever. They've found a loophole."

As for the dailies, no one who has walked past the sports desk of an average American newspaper is likely to confuse it for a breeding ground of social reform. The idea that they have a moral obligation to speak out against tobacco's role in sport is likely to strike many sportswriters as about as compelling as their obligation to champion educational reform in Zambia. For lots of them, it's just not on the radar.

"We haven't done the piece you're doing. It's a

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legitimate story. I'm glad you're doing it," said Leonard Shapiro, sports editor at *The Washington Post,* who was more thoughtful about the topic than most of the journalists I spoke to. "Maybe it's become such an ingrained part of our culture, it's something we don't even notice."

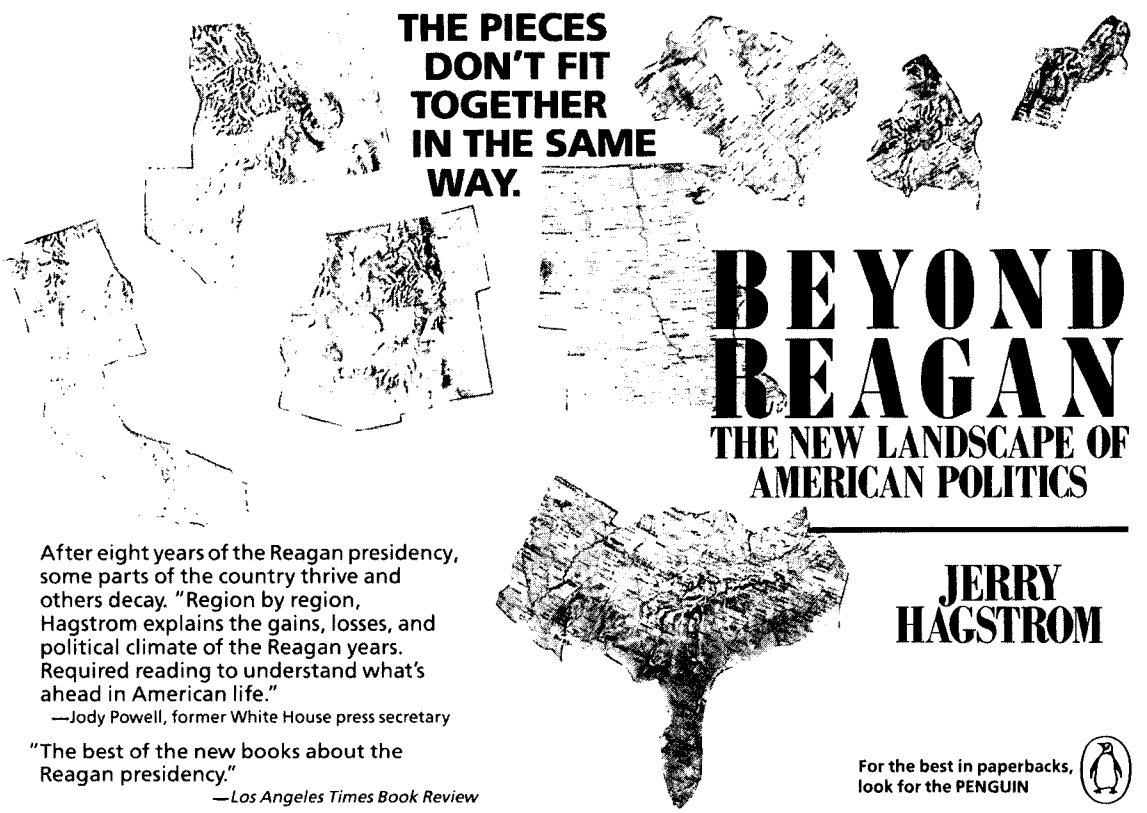
What are the sports editors' options? One strategy might just be to rename the event. When Ellen Merlo of Philip Morris brags about "the newspaper stories leading up to and following the race that mention the Marlboro name frequently," sportswriters could decide that henceforth the "Marlboro Cup" will just become "The Cup." (Newspapers routinely make such judgments about proper editorial content, screening out, say, obscenity.) Failing that, how about a big "Surgeon General's Warning: Smoking Causes Lung Cancer, Heart Disease, Emphysema, and May Complicate Pregnancy" slapped on the photos of the tourney?

The sportswriter who, by chance, does develop a Donaldson complex on the issue isn't likely to find great encouragement from above. For one, a number of newspapers have actually allied themselves as co-sponsors of cigarette-backed sporting events. *The Houston Chronicle, The Houston Post, The Boston Herald,* and the *Los Angeles Times* have all joined Philip Morris as backers of Virginia Slims events, while the *Atlanta Journal* joins RJR in financing the Atlanta Journal 500.

Ad men

More to the point is a basic fact of American journalism: Publishers like the income from cigarette ads, and few are likely to regard an anti-tobacco crusade as a boon to business. Not many will respond as forthrightly as Mark Hoop, publisher of the *Twin Cities Reader*, who flatly fired the reporter whose preview of the Kool Jazz Festival pointed out that Duke Ellington had died of lung cancer. (When later asked by ABC News if he'd really said, "If we have to fly to Louisville, Kentucky and crawl on bended knees and beg the cigarette company not to take their ads out of our newspaper, we'll do that," Hoop said, "True.") But those with a subtler touch will still find a way to communicate that inordinate crusading on the issue does not enhance journalists' career advancement.

While actual cigarette advertising in many papers is modest, it's not so modest that publishers are anxious to lose it. (A recent 12-page advertising supplement for Marlboro Grand Prix racing in *The New York*



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Times Magazine cost close to $300,000, according to the *Times*'s advertising department.) And the conglomerate nature of cigarette ownership may mean that other ad revenues are also at stake: RJR's holdings include Nabisco, Del Monte, and Kentucky Fried Chicken, while Philip Morris controls those of Seven-Up, the Miller Brewing Company, and General Foods, makers of Jello, Maxwell House, Tang, Oscar Mayer, and so forth. Let no one mistake the point—the cigarette companies haven't been shy about exercising this clout. After the advertising firm Saatchi & Saatchi produced a recent anti-smoking commercial for Northwest Airlines, RJR pulled its *$70 million* Nabisco account.

> "It's *unrealistic* for tobacco ads to be removed from baseball parks," said Dr. Bobby Brown, the American League president. Then he hung up.

The media's own conglomerate status means it has more than one flank exposed. Denunciations of RJR in *The Washington Post* could mean fewer ads for Camels, Oreos, and Smirnoff in *Newsweek*, just as an attack on Virginia Slims in *The New York Times* could lead to the end of the $900,000 of tobacco ads that appeared last year in its wholly-owned *Tennis* magazine. Obviously, both the *Post* and *Times* have had unkind words for tobacco; but neither can claim to have provided the kind of unforgiving coverage that tobacco has earned with a product that *every two years* kills more Americans than have died in all the wars of this century.

And that's just the daily press. For a sense of how cigarette revenues have shaped the attitudes of the magazine world, consider the views of George Gross, executive vice president of the Magazine Publishers of America. He recently went before Congress to warn that restrictions on cigarette advertising could lead to a surge in smoking, since "the prominent health warnings now carried in all magazine tobacco advertising will not be seen by millions of readers." Now there's an original argument.

Meanwhile, a 1986 study by the University of Michigan School of Public Health found that no other category of magazines—fashion, politics, general-interest, and so forth—relies more heavily on tobacco ads than do sports magazines. On the average, tobacco provided 11.3 percent of the sports journals' income, down slightly from 14.0 in 1976—but up impressively from pre-ad ban days of 1966, when it was only 2.1 percent. *Sports Illustrated*, the industry giant, weighed in at 11.3 percent—or $27 million.

The dangers of milk

What kinds of inhibitions might such revenues induce? It's certainly fair to say that *Sports Illustrated*, itself part of a larger Time, Inc. empire full of cigarette ads, hasn't brought an exceptionally skeptical view to the issue of tobacco and sports. "It's a fringe thing," says Peter Carry, the magazine's executive editor. In 1977, the magazine did find space for "Chaws," a nine-page celebration of chewing tobacco by an array of baseball stars. Sample? "I'll stick a chaw in my mouth and everything seems to get a little brighter," said pitcher Rick Reuschel.

Meanwhile, one could suggest that *Sports Illustrated* has been less than zealous in publishing alternative points of view. Ask Greg Connolly, a Massachusetts dentist hired by Major League baseball to help athletes quit chewing tobacco. In 1986, Connolly says he contacted the magazine and offered to write a piece about the program. He said that two different editors, including baseball editor Steve Wulf, warned him that higher-ups might find a possible "conflict of interest" with advertisers, but Wulf told him to try it nonetheless. Connolly turned it in, but the piece never ran.

So what—maybe Connolly can't write. But that wasn't the explanation that Wulf gave Howard Wolinsky, a *Chicago Sun-Times* medical writer, when Wolinsky asked what happened. Wolinsky says Wulf told him, "based on common sense, magazines do not like to upset their advertisers by publishing stories that are negative on an advertised product." When I called Wulf he confirmed that he had warned Connolly about possible conflicts of interest, and he acknowledged the conversation with Wolinsky. He said he was speaking to Wolinsky about magazines in general, not *Sports Illustrated*, which he said "does not let its advertisers dictate its editorial content." His fears about the possible conflict of interest, he said, "turned out not to be the case. The sole reason it didn't run was for editorial purposes."

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Judging from another *Sports Illustrated* article, the magazine seems to think that tobacco isn't just a "fringe" issue in sports but also in health. In 1983, the magazine ran a 10-page article deploring the sad state of "fitness" in America, explaining how poor diet and a lack of exercise contribute to heart disease and general ill health. The article doesn't exactly ignore tobacco. Cigarettes show up twice. First the magazine argues, "The problem is not only too little exercise—the culprits in the case of children include TV and, recently, video games—but too many cigarettes, too many calories and a diet far too rich in salt and saturated fats. . . ." Next, it advises "'lifestyle' changes, such as cutting out cigarettes. . . . *Just as important* is the need to 'engineer' more activity into daily life. Use stairs instead of elevators. Leave your car at the far end of the parking lot. . . ." (Emphasis added.)

With the messy little business of cigarettes put behind, the magazine turned a tarter tongue toward a real social blight: sweetened water. The Los Angeles public pools were offering free admission to "to children producing wrappers from Kool-Aid packages," the authors said. "Of course, the appropriateness of such an association with Kool-Aid, a product not ordinarily thought of as promoting fitness, might be questioned." Imagine how heartless those Kool-Aid peddlers are! Of all the things to push on kids! The writers went on to document another crass exercise of corporate power, blasting the National Dairy Council for "disseminating educational material on nutrition that pointedly neglects to suggest that readers might want to restrict their intake of eggs, whole milk, butter." Why the dairy council even gave those milk pamphlets to kids! Rascals! Have they no shame?

The same issue that emphasized the dangers of elevators and eggs more than Marlboros, Camels, or Winstons, happened to have ten pages of cigarette advertising. Among the ads was a two-page spread from the Tobacco Institute, which asked "Is cigarette advertising a major reason why kids smoke?" and answered, "No." When I asked Jerry Kirshenbaum, the fitness article's co-author, how the ethics of that ad compared to the Dairy Council's plug for milk, he said, "I really don't think I want to discuss this any further."

Interestingly, *Sports Illustrated* did run a very hard-hitting article last year on beer's effect on sports, which shows the magazine hasn't just simply tuned out on moral issues. (See Monthly Journalism Award, November 1988.) Beer's involvement in sport, through sponsorship and advertising, led the magazine "to wonder just what kind of cultural hypocrisy is going on when Americans relentlessly insist on immersing sport—our most wholesome, most admired, even (sometimes) most heroic institution—in a sea of intoxicating drink." *SI* suggested that this was "cynical, ironic, immoral, hypocritical. . ." The magazine's beer-ad revenues in 1988 were $6.3 million—significant, but far short of tobacco's $35 million. And perhaps equally significant, beer companies don't feel as imperilled, and hence, as vindictive, as cigarette makers do.

Carry, the executive editor and a former smoker, said that quitting was one of the hardest things he'd ever done. But as far as tobacco's involvement with sports, "I would say on the level of the world's evils, I would say it ranks pretty low."

The 150 m.p.h. Marlboro

While it would certainly help if *Sports Illustrated* saved its righteous indignation for Kools instead of Kool Aid, the tobacco companies have friends in even higher places—television. It was the broadcasters, remember, who did their level best to keep cigarettes commercials on the air. These days, televised tennis and auto-racing doesn't sell cigarette ads but does sell equally lucrative car ads and truck ads and beer ads instead.

The small group of network executives who control the nation's sports programming have unique power where tobacco and athletics are concerned. If the heads of CBS, ABC, and NBC simply turned on the TV, saw the whirl of Marlboro cars, flags, and banners, and said, "Hey, that's a cigarette ad—don't show it," the game would be over. Without the magnifying effects of broadcast coverage, tobacco's 20-year outbreak of sports fever would meet its antibiotic. (To protect themselves from losing a competitive advantage to some less scrupulous, upstart station, the networks could seek a ruling from the FCC, pointing out tobacco's circumvention of the law. And, of course, the FCC needn't be shy; it could always instigate an investigation itself.) A few "sports" might go under, at least in their present forms. Then again, if the Winston Cup can't exist without Winston, then isn't it more cigarette ad than sport, after all?

The media employees who wait for the executives to move are likely to wait a long time. To push the process along, a little unity would help. Just as baseball players, acting together, could bring the necessary pressure to bear on ballparks, writers and producers can put pressures on the media corporations. Acting alone, the reporter who condemns cigarette ads may get branded an "activist" and sent to write obits. Joining together, the top 50 reporters at the *Times* or the *Post* or ABC could exercise real pres-

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WHO'S WHO

Richard Darman, who last fall was a leading leaker of anti-**John Sununu** stories is now a firm ally of the White House chief of staff. What has brought these two together? Each is said to have a high regard for the other's intelligence—as well, of course, for his own—and they share mutual delight in playing the power game. Sununu is more conservative than Darman. But that may be another factor in the development of their close relationship. For Darman appears to be determined to avoid the snipping from the right that plagued him during the Reagan administration, and is having breakfast regularly with a group of conservatives that includes Sununu, **Jack Kemp**, **Dan Quayle**, and **William Bennett**. . . .

Speaking of Quayle, another Republican insider who had a narrow escape from the draft in 1971 was then known as **Harvey Leroy Atwater**. Having been classified 2-S for a couple of years, he was changed to 1-A on November 29, 1971. But with amazing swiftness, the draft board recovered its senses and restored Atwater to 2-S by December 16. When "Who's Who" asked Atwater about his narrow escape, he offered no explanation. In the tradition of fellow student deferee **Richard Cheney**, all Atwater would say was that "had he been called to serve, he would have been proud to.". . .

And speaking of Sununu, he is reported to have sighed with relief when his deputy, **Andrew Card**, decided not to resign to seek the Massachusetts governorship. Card is highly esteemed by White House insiders. So, by the way, is **Roger Porter**, the assistant to the president for economic and domestic policy, and **David Bates**, the cabinet secretary. . . .

Speaking of **Lee Atwater**, he has definitely not become one of **Barbara Bush**'s favorites. Neither has **Marilyn Quayle**.

Robert Teeter is said to be kicking himself for not having taken a top White House job last fall. He turned down that opportunity partly for family reasons, but mostly because he was upset that Sununu had been named chief of staff. . . .

George Bush shows a Darmanesque solicitude for the right. Some say his vehement reaction to the Supreme Court flag decision was at least partly motivated by his concern over a *New York Times* article by **Bernard Weinraub** that appeared just before the decision and that was headlined "Conservatives find a shortage of friendly ears on the Bush Team.". . .

Two subcabinet officials whose abilities are commanding attention are **Hollis McLoughlin**, assistant secretary for policy and management at Treasury, and **Richard Crowder**, undersecretary for international affairs and commodities programs at Agriculture. . . .

Back to Dan Quayle just one more time. Because he insisted on playing an afternoon game of tennis, he caused his party to have to stay past check-out time at the most expensive hotel in Australia. The government was going to be stuck with an extra bill for at least $5,000 until reporters got onto the story and Quayle's staff persuaded the hotel to forego the charge so that the facts wouldn't be published. . . .

In—*Agriculture:* Undersecretary for Small Community and Rural Development—**Roland R. Vautour**. *Commerce:* Deputy Secretary—**Thomas J. Murrin**. *Defense:* Assistant Secretary for International Security Affairs—**Henry S. Rowen**. Assistant Secretary for International Security Policy—**Stephen J. Hadley**. Assistant Secretary for Program Analysis and Evaluation—**David S.C. Chu**. Assistant Secretary for Reserve Affairs—**Stephen M. Duncan**. *Education:* Assistant Secretary for Legislation—**Nancy Mohr Kennedy**. *Energy:* Assistant Secretary for Management and Administration—**Donna Fitzpatrick**. *Health and Human Services:* Assistant Secretary for Public Health—**Dr. James O. Mason**. Assistant Secretary for Human Development Services—**Mary Sheila Gall**. *Interior:* Assistant Secretary for Indian Affairs—**Eddie Frank Brown**. *Justice:* Assistant Attorney General for Antitrust—**James F. Rill**. Assistant Attorney General for Tax Division—**Shirley Peterson**. Assistant Attorney General, Office of Legal Counsel—**William P. Barr**. *Labor:* Assistant Secretary for Congressional Affairs—**Kathleen M. Harrington**. Assistant Secretary for Employment and Training Administration—**Robert Jones**. *State:* Undersecretary for Economic Affairs—**Richard T. McCormack**. Assistant Secretary for African Affairs—**Herman J. Cohen**. Assistant Secretary for International Narcotics Matters—**Melvin Levitsky**. Assistant Secretary for Inter-American Affairs—**Bernard W. Aronson**. *Transportation:* Assistant Secretary for Administration—**Jon Seymour**. Assistant Secretary for Governmental Affairs—**Galen Reser**. *Treasury:* Assistant Secretary for Legislative Affairs—**Bryce L. Harlow**. Undersecretary for Finance—**Robert Glauber**. *Veterans Affairs:* Deputy Secretary—**Anthony J. Principi**. *Agencies and Commissions:* Administrator, Alcohol, Drug Abuse and Mental Health Administration—**Dr. Frederick K. Goodwin**. Chairman, Federal Communications Commission—**Alfred C. Sikes**. Member, Federal Communications Commission—**Andrew C. Barrett**. Member, Federal Communications Commission—**Sherrie P. Marshall**. Commissioner, Food and Drug Administration—**Dr. Frank E. Young**.

Out—*Health and Human Services:* Surgeon General—**Dr. C. Everett Koop**. *Agencies and Commissions:* Chairman, Immigration and Naturalization Services—**Alan C. Nelson**.

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sure—particularly if they said they were willing to take a cut in pay equal, on a percentage basis, to the loss in revenue, as long as the executives and shareholders did the same.

Judging from my recent discussions with sports broadcasters, however, the dangers of such an outbreak of moral zeal seem slight. It's certainly not expected at CBS, where CEO Larry Tisch happens to wear a second hat as chairman of the board of Loew's, owners of Lorillard Tobacco, makers of Kents, Newports, and Trues. The new anti-tobacco policy isn't on the horizon at ESPN either, where RJR/Nabisco owns 20 percent.

At ABC, Lydia Stephans, the programmer with a clear-eyed view of tobacco's clever loophole, argued that there's little the networks can do. If they didn't broadcast sporting events with cigarette ads, she said, there wouldn't be any left to broadcast—which is sort of the point. "I'm basically neutral," she said.

The fervor at NBC wasn't much greater. I asked Doug Kelly, an NBC spokesman, how the network deals with the tobacco ads that line scoreboards and racetrack infields. He called back a few days later to explain that "we only show the part that shows the scoreboard." Kelly did concede that it was hard to get a tight shot of the Indy 500, which NBC also broadcasts, at least one that would crop the Marlboro sign off the racecar's hood. When I asked if that all those 150 m.p.h. cigarette signs didn't violate at least the spirit of the ad ban, Kelly's tone became distinctly less friendly. "I'm not going to comment on that," he said.

"Is that K-e-l-l-y?" I asked in parting.

"No, it's s-p-o-k-e-s-m-a-n," he said. "I prefer to be known as an NBC spokesman. It's not our policy to identify our spokesmen here."

It's too bad that Pete Axthelm doesn't have a spokesman. It's not that he's been any more complicit in the promotion of cigarettes and sports than most other big-name sports writers. He hasn't. But the more loudly he defended the marriage of the two, the more embarrassing it became to listen, all the more so because he seemed like a terrifically nice guy.

This, remember, is a man who's been at the top of the profession that should be chasing cigarettes from sports:

"Obviously, I can be criticized since we all make our outrageous salaries as a result of tobacco and beer advertising, so I know I'm setting myself up," he began. "I have to keep coming back to the thing with our Constitution—free rights, free markets, whatever."

And if kids look to athletes as role models? Well, that's their fault, Axthelm said. "What we really should be striving for is not to have athletes conform to more rules, but to have our kids realize that athletes are *not* role models," he said. (Philip Morris, no doubt, would be happy to sponsor another educational program, to help kids kick the hero-worship habit.)

Virginia Slims? "What I recall is the general slogan, 'You've come a long way, baby,' as being a good thing for women," he said. "I'm a feminist."

Q: "Isn't one of the areas in which women are achieving parity lung cancer?"

A: "I don't want to comment on that."

By the end of the conversation, Axthelm began to sound concerned. Perhaps, finally, he was as unconvinced by his own defense of the cigarette companies as I was. While Bobby Brown dealt with his lack of good answers by slamming down the phone, and Doug Kelly dealt with it by seeking anonymity, at least Axthelm stayed on the line. But the more he talked, the more his answers turned back against him: "I just don't want to be set up as an idiot," he said. "Don't set me up after a lung cancer paragraph and say, 'Virginia Slims has done a lot for women.'"

Sixty pack-years

There's an odd sign on the door to one of the cancer wards at the Bethesda Naval Hospital. It lets visitors know that the "smoking lounge is located on 6 center." Not long ago, Dr. Paul Sperduto, an oncologist at the National Cancer Institute, escorted me onto the NCI ward and pulled the medical chart of a patient, who, four years ago, coughing, had gone to see his doctor. "Metastatic small cell lung cancer to the left neck, mediastinum, right hilum, and liver," Dr. Sperduto said. "That's definitely *not curable."*

But the mere fact of the patient's presence at such a sophisticated facility indicated he'd been luckier than most. If he hadn't been chosen for a government study, he probably wouldn't have been there. His chart tagged him as lucky, too. Under sophisticated "cancer management," his disease had disappeared twice, adding a few years to his life.

The first bout of management began in 1985 with the onset of chemotherapy, monthly for eight consecutive months—four or five days of chemicals followed by a week or so of vomiting and exhaustion; rest and repeat. It seemed to work. By July 1986, a CT scan could no longer find the lump in his chest. Cancer management then called for a round of brain radiation, since the disease is known to sojourn there.

By December 1987, it was back, and four more months of chemotherapy began, this time with different chemicals. Again the cancer fled. "That's great," Dr. Sperduto said. "Relatively speaking." Six months later, in September, 1988, it returned. This time, the

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cancer managers tried the experimental therapy called In Vitro *Best Regimen. They sent a piece of the patient's lung into the lab, grew his disease in petri dishes, and sprinkled them with competing chemicals, to see which seemed to work best. Cytoxan won. And into his veins it went, over the course of five monthly cycles. It was now January, 1989, and nothing was happening. The cancer held firm.*

Another experiment began—a monoclonal antibody, the discovery of which had earned a researcher a Nobel Prize. That didn't work either. The cancer now appeared throughout his chest and liver. In March, a tumor in the throat wouldn't let him swallow. The cancer managers radiated it down. In April, the pain medicine was locking his bowels. The physicians reduced his dosage—good for the bowels, bad for the pain. Next came an electolyte imbalance, which brings more vomiting and the possibility of seizures. The chemotherapy, meanwhile, had caused a "peripheral neuropathy," the sensation of burning in the patient's arms and legs. When I met him in July, the man with the lucky chart, a former auto mechanic now 58 years old, was back for more treatment.

Cancer doctors speak not in years but in pack-years, and this man's number was 60: one-and-a-half packs of Lucky Strikes a day, times forty years, beginning at age 15. "My father smoked, both my brothers smoked," he said. "At that age, it makes you feel like you're a big man. . . .Of course, my daughters have always been after me to stop. They smoke now, too. Now I'm trying to get them to stop. The oldest one sent away for that Cigarrest, or whatever you call it. But her husband smokes too. She said it didn't work."

It was quiet in his room. He spoke in a monotone, with no peaks of anger or dips of despair. He wasn't mad, he said—not at Lucky Strikes, not at the disease, not at the clumps of hair that keep falling out "all over the bed and all over the pillow." He'd had a full life, he said, and Dr. Sperduto nodded in support: his patient had been married for 33 years, with three daughters, and four grandchildren. By the time we said goodbye, all three of us knew he'd be dead by Christmas.

Driving out of the hospital, we passed an advertisement on the side of a city bus. It showed an athletic young woman, diving into a pool. "Salem," it said. "The Refreshest." ❑

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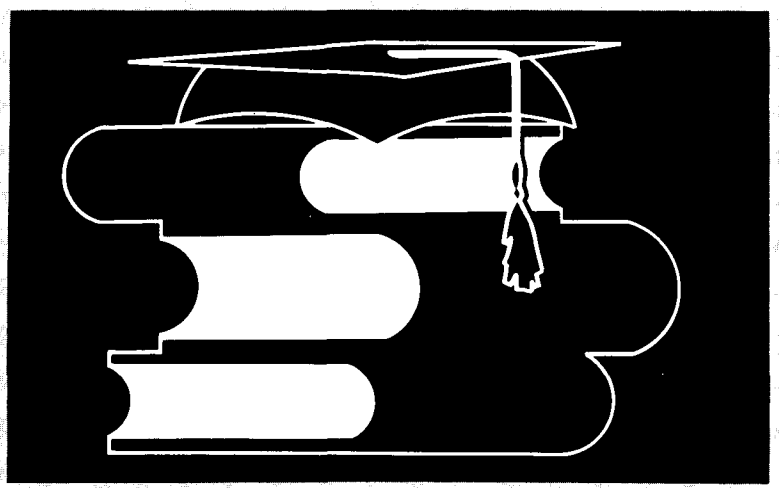

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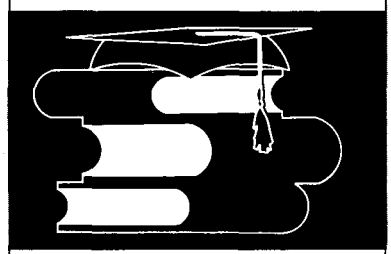

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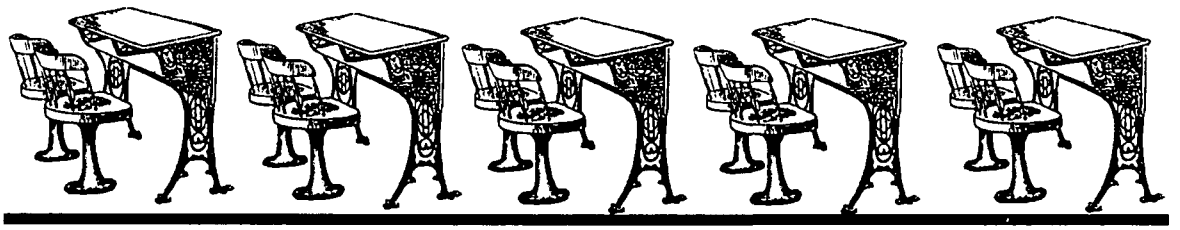

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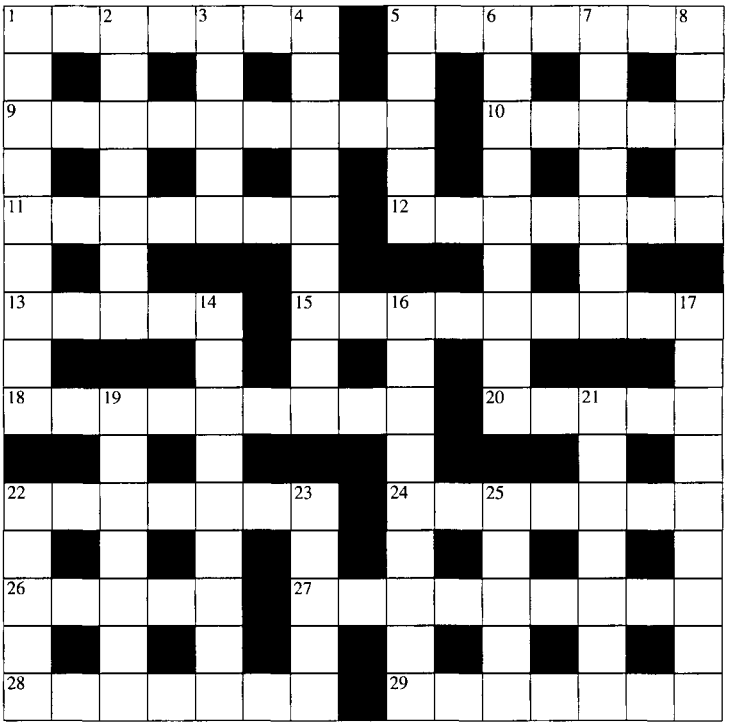
POLITICAL PUZZLE

by John Barclay

The numbers indicate the number of letters and words, e.g. (2,3) means a two-letter word followed by a three-letter word. Groups of letters, e.g. USA, are treated as one word.



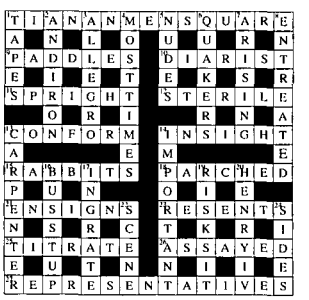
ACROSS

1. Bay State figure spun a skid around friendly power. (7)
5. Fritz shaking last drop of lemonade. (7)
9. One sort of erotic monster. (9)
10. Belonging to group returning article to Rhode Island? Just the opposite. (5)
11. Took great pains to put fish in front around 500. (7)
12. Adapt shift so it's not hard. (7)
13. Peculiarly-named hucksters. (5)
15. Somehow renting us a revolutionary. (9)
18. Sarcastic question about news niche. (5,4)
20. Tory turns left in Austria. (5)
22. Casting glance about nothing to freeze. (7)
24. Zookeeper sometimes sprays green around, around. (7)
26. Run out what one runs, we hear. (5)
27. Defended bad potter last month briefly. (9)
28. Franklin wrongly sent in Senator. (7)
29. Appropriately rare for former candidate. (7)

DOWN

1. 1, 5, 28, and 29 Across bring back celebrity comedy, almost. (9)
2. Country dog and mink crossbred. (7)
3. Whale food found in weekend stream. (5)
4. Sea food if little roads show differently. (9)
5. Encounters last of respect coming up. (5)
6. Nice for satin, red or yellow ribbon, for example. (3,1,5)
7. Herring and malt beverage mate. (7)
8. Heart-throbbing object in Solar System. (5)
14. Architect's family makes enemy rise. (9)
16. Crazy fad of dens brought level. (6,3)
17. Mixing oil at dark is popular entertainment. (4,5)
19. Game implement stuck in asinine pincushion. (7)
21. Set up a target for boat race. (7)
22. He swallowed drink in communication medium. (5)
23. Plain artificial fur. (5)
25. Get approval to manufacture lease before end of September. (5)

Answers to last month's puzzle:



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POLITICAL BOOKNOTES

The Death Shift: The True Story of Nurse Genene Jones and the Texas Baby Murders. Peter Elkind. *Viking, $19.95.* It's diabolical enough that Nurse Genene Jones murdered as many as 16 babies in the early 1980s. But what is more chilling is the failure of a San Antonio public hospital and medical school to account for such heinous criminal activity. Scared of lawsuits and negative publicity, the medical establishment did nothing to bring suspicious deaths to the attention of law-enforcement officials. Instead, it simply attributed these deaths to organizational "growing pains," poor staff morale, and lack of effective leadership. Nurse Jones was removed during a staff reorganization, and ushered off to further employment (and further murder) with a *recommendation.*

Peter Elkind presents this story as a first-rate murder mystery, with such characters as an egomaniacal hospital administrator who once entered a meeting to the musical theme from *Star Wars,* a 300-pound snuff-dipping judge, and a Mickey Spillane gumshoe who calls pretty girls "dollies" and bad guys "scumbags." At the center of the mystery is Genene Jones, a bizarre, complex woman who lavished affection on infants as she injected them with a variety of lethal drugs. When babies began to die mysteriously, her hours on duty became known around the hospital as "the Death Shift." But a hospital committee investigation failed to uncover proof of wrongdoing and recommended "judicious silence on the issue." It was not until Jones moved to a clinic in a small town, and began to kill again, that several local doctors blew the whistle and had the nurse arrested.

Somehow, personal responsibility is choked by the bureaucratic tangle of hospital administration. San Antonio's Medical Center Hospital is, after all, an institution that employs not only an executive director, but a senior associate executive director, three associate executive directors, an executive assistant to the executive director, and several administrators. Committees are formed and memos are circulated, but no one grasps the seriousness of the baby deaths. The one doctor who has deep suspicions about Genene Jones is eased out of his position as medical director; the administration prefers to see the problem as one of personality conflict and "solves" it by recommending the removal of both Jones's critics and defenders.

But the real problems of this public hospital and its partner medical school run deeper than bureaucratic tangles. There is an economic price

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to pay when medical establishments get bad press or face litigation for malpractice or criminal conduct. Medical Center Hospital, relatively new, ambitious, and deeply concerned about its image, was desperate to attract paying patients to offset the costs of the charity cases the hospital was ostensibly created to accept. The bottom line, then, became money, not health care or justice. For this hospital, like many medical establishments, the cost of carefully monitoring its employees, risking public investigation, and protecting its economically disadvantaged patients was simply too high a price to pay.

A traditional English confession of sin states "we have left undone those things which we ought to have done, and we have done those things which we ought not to have done," attaching equal seriousness to sins of omission and commission. Elkind's book reveals that while our society is able to bring a nurse who *commits* a crime to justice, it still has far to go in its ability to pin responsibility on a medical establishment that *omits* its duty to serve the public.

—*Henry G. Brinton*

Gene Dreams. Robert Teitelman. *Harper and Row, $18.95.* If ever an industry was made to titillate Wall Street's "promiscuous imagination" (Teitelman's smart phrase, and one of many in this lively, sharply-drawn book), biotechnology was it. It roared out of the laboratory at a time when America's industrial self-image was in shards. It was jazzy. It reflected the heat and light of the great entrepreneurial revolution just before it, in electronics. And it made promises. Oh, what promises! Oil-spill-eating bacteria, toxic-waste devourers, leaner hogs, supercorn, miracle cures. Seldom has Wall Street been so dreamily, so willingly seduced as it was by these biojocks, who, with their cockiness and their flare for futuristic letterheads (Genentech, Biogen, Hybritech, Cetus) arrived on the scene seeming to know all the right moves.

Of course the seduction was mutual. The researchers were dazzled by Wall Street's overheated advances. Many of them couldn't shed their academic prudery fast enough. As Teitelman points out, they "began to think of Wall Street not as a grim Golgotha, but as a Golconda. . .a legendary city 'where everyone who passes through got rich.'" It should be no surprise that the industry soon became infatuated with Wall Street's rapturous murmurings, relegating all its other high-minded goals behind the development of the most marketable, toweringly profitable products it could think of—human pharmaceuticals. Drugs.

Imagine Marlon Brando and Maria Schneider getting married at the end of *Last Tango in Paris*, settling in and trying to make it work, and you get some idea of the outcome. Boredom, recriminations, verbal cruelty, abandonment—not a pretty sight. Wall Street's well-publicized dissatisfaction with biotech, and the industry's subsequent squandering of its future vision in a blizzard of compromises and short-term deal making, is a perfect paradigm for the sort of self-destructive plunder on which the bull market of the eighties so far has fed successfully. That it should have happened with such a young industry, so filled with promise, makes biotech's dissolution all the more troubling.

Gene Dreams is built around the story of one company, Seattle-based Genetic Systems. Like many biotech firms, Genetic Systems was more a result of money pursuing science than the other way around. For example, the first public offering of another biotech company, Genentech, in October 1980 was so mind-boggling—50 minutes after the first one million units hit the market at $35, they were trading for a record *$89 a share*—that it set off a latter-day gold rush. Scores of investors suddenly dropped everything in search of talented researchers with interesting ideas.

One of those investors was a 28-year-old stockbroker and part-time musician named David Blech. Reading around, Blech discovered the as-yet-uncommercialized field of monoclonal antibodies, a class of highly specific cell killers that can be bred selectively in laboratory mice. The implications were vast, especially against cancer, where the problem

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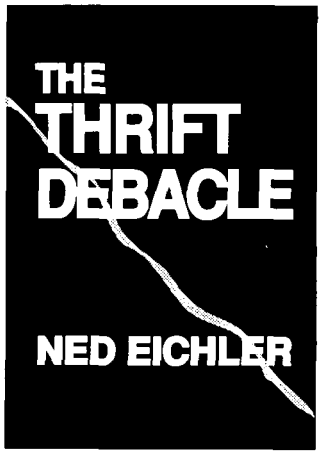

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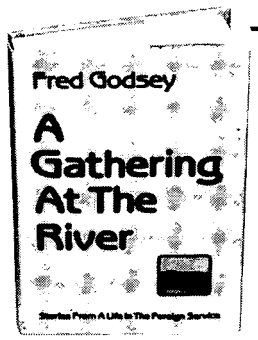
with most drugs is that they kill not only tumor cells, but vital tissue as well. With his brother Isaac, Blech contacted a cancer researcher named Robert Nowinski who had reported curing leukemia in mice by pumping them full of monoclonals. By the following June, the Blechs had each parlayed an initial investment of $60,000, their association with Nowinski, and some quick positioning as a leader in developing monoclonal-based cancer therapies into a paper profit of $14 million. The company, Genetic Systems, had no revenues, no profits, and no products, and, though Wall Street had blithely consented not to ask about any of this, or precisely how the company planned to make money once it had something to sell, anyone paying attention knew it would be at least a decade before the firms would have a marketable cancer drug—if ever.

The leap of faith here, propelled in large part by the talismanic attachment to cancer, was prodigious even by Wall Street's fickle standards. One by one, the realities of living with Wall Street took over. When investors discovered only belatedly that drug development is a highly risky venture, taking a huge up-front commitment of cash—about $150 million—and time—10 years or more—their lust for biotech issues froze. Meanwhile, the companies, now up and running, needed huge infusions of new capital to cover what in many cases had become alarming "burn rates"—the amount of money consumed by start-ups before they're self-sustaining. Naturally this led to a pyramiding of financing schemes, and, more importantly, a series of deals and compromises that, as Teitelman correctly points out, forced Genetic Systems to sacrifice virtually all its early goals just to stay in business.

With a cancer cure too far off and too costly, Genetic Systems switched to a short-term strategy of fighting sexually transmitted diseases like herpes. It was hardly the sort of inspired goal most investors were looking for in a low-performing risk stock. ("Cancer had the intellectual rigor of Susan Sontag and her Illness as Metaphor," Teitelman writes, "herpes, the breathless sensationalism of the local news, Dear Abby, *Cosmopolitan*, and the Playboy Philosopher.") To bring in revenue, the company signed licensing deals with several big drug companies, which satisfied its short-term needs for cash, but ensured that when it finally had a product to sell, most of the income would go to its partners. Desperate, the firm ultimately abandoned its drug program in favor of manufacturing diagnostic kits, which are cheaper to design and take much less time to be approved by the Food and Drug Administration.

In fewer than five years, Genetic Systems went from being a self-styled firebrand in two concurrent revolutions—cancer therapy and the overthrow of the big drug companies—to a small, chronically stretched underachiever whose main product was a quick test for an annoying, though hardly life-threatening, venereal disease. This fall was not atypical. And as the industry shifted its gaze from cancer to lesser diseases, it also turned from research to paper wars. Everywhere biotech firms that a few years earlier had been trumpeting wonder drugs, were now trying to impress investors with how aggressively they sued each



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other over patents with no proven commercial value. It didn't matter what a company could do, but what it could *imply*.

Powerful self-justifications were required to compromise on so many fronts in such a short period of time, and Genetic Systems undertook them with a vengeance. Unsurprisingly, its answer came from Wall Street. *Leverage*. The changes were not really changes, but instruments for leveraging success. VD (the reasoning went) was only temporary, to fund the work in cancer. Diagnostics were only a stop-gap, until the company had therapeutics to show. If the company had to license its patents on other monoclonals, it was only to make enough money to give the diagnostics a chance of success. "If, if, if," Teitelman writes. "With each if, the odds mounted. More attention came to focus on ways not of making money, but of raising money. Playing the game required cash."

This is what Wall Street had neglected in its earlier enthusiasm. It was one thing to have a new technology, which, after all, is all that biotech is. It was another to lock elbows with the major drug companies in a brawl over market shares. Never in all the grand speculation about biotech overtaking the medical market had there been more than passing attention paid to the necessity of fielding huge expense-account-driven sales forces, making inroads into the highly conservative world of hospital purchasing, or any of the other enormously expensive tasks involve in turning products into money. When it came down to it, most biotech companies simply couldn't afford to compete. So they were left with three choices: license their discoveries to the big drug companies, which were capable of marketing them but would also seize the lion's share of their profits; fold; or look for a buyer.

So much for idealism. By 1985, the year Eli Lilly began selling the first genetically engineered human therapeutic, Genentech's human insulin, Genetic Systems was on the block. It was eventually sold to Bristol Meyers for $294 million, not as much as some other companies fetched but still a bonanza, given its

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problems. What the buyout meant to Genetic Systems was that it no longer had any hope of becoming what it had promised: an independent drug company specializing in revolutionary cancer treatments. At best it would be a small satellite of questionable value in someone else's organization. Its meaning to Bristol was slightly less clear. Teitelman speculates it bought the start-up mainly to ensure that no one else would—a hedge.

Teitelman believes it's ironic that the big winner in all this was Wall Street, as "the scent of takeovers began to bring investors back to biotechnology." That's the one place I disagree. Wall Street's way to profit from biotech's failure isn't ironic, but absolutely predictable, given its current taste for scavenging. Wall Street lives on talk. It was the talk of miracles that led it to biotech in the first place. But even more than miracles, as Teitelman notes, Wall Street thrives today on takeovers. Miracles are iffy, but with buyout rumors, it doesn't matter whether they happen or not. As Teitelman writes, "Even if nothing happens, takeover talk is good for business. Stocks trade hands, brokers start racking up commissions, investment bankers start selling deals again, financial printers start putting in overtime, and journalists sniff around for new trends. Takeovers provide a jump start for the market on cold winter days. So the conventional wisdom went, and so it was to be."

—*Barry Werth*

The Gilded Leaf: Triumph, Tragedy, and Tobacco, Three Generations of the R.J. Reynolds Family and Fortune. Patrick Reynolds, Tom Shachtman. *Little, Brown, $19.95.* Ironically, Dick Reynolds, the eldest child of R.J. Reynolds, died in 1964 from directly inhaling too much oxygen. "It literally exploded in his brain," his son Patrick writes. R.J. Junior's lungs required the pure item. He suffered from chronic emphysema. He had been living as a recluse with his fourth wife in Switzerland, rarely able to go anywhere for the last decade of his life without his oxygen cannister. The Camel-smoking, former jet-setter died very wealthy, but left nothing to his estranged sons who already had "small" trust funds of $2.5 million each, thanks to their grandmother, Katherine.

Patrick Reynolds' slice of personal geneology, biopsied and found malignant in this book, is nevertheless delivered at times with the nostalgic softness of eulogy. His anger toward his father never quite breaks to the surface in the narrative, though just cause is painfully detailed. Father Dick abandoned his first and second wives and the six sons from the two marriages in short order, echoing the flight of his own mother, Katherine, who remarried and abandoned Dick and his siblings to the care of servants after the demise of the elder R. J. (The marketing genius behind Prince Albert and Camels died of pancreatic cancer, having preferred to *chew* his tobacco.)

Patrick explains the humble beginnings of the dynasty, taking us back to pre-Civil War Virginia where Hardin Reynolds, a poor, young farmer burned twice by price gougers, vowed never again to be at the mercy of tobacco buyers. Hardin convinced his father that, rather than sell raw leaf to the manufacturers, they could make and sell their own sweet twist of chewing tobacco at a much bigger profit. Later, Hardin's two sons—Abram and R.J.—would follow in their father's entrepreneurial footsteps. R.J. decided to build his own tobacco factory to the south, in the small North Carolina town of Winston, near Salem. Brother Abram set sights on Bristol, Tennessee.

By the turn of the century, R.J.'s deals with the Dukes of Durham had led him into manufacturing cigarettes as well as his "chew."

R.J.—a heavy drinker and notorious philanderer in his youth—finally settled down in his fifties and married his cousin Katherine, then in her early twenties. The four children who followed in quick succession—Dick, Mary, Nancy and Z. Smith—would all inherit vast sums, only to be plagued to various degrees by the dissipation born of an embarrassment of riches and the early loss of both parents' discipline and counsel.

A drunken party at the family man-

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sion in Winston left 20-year-old Z. Smith dead with a gunshot wound in the head. Privilege quashed the murder investigation, which remains unsolved and is still the subject of much quiet family speculation today.

Mary Reynolds, a heavy user of the family product, died of abdominal cancer one month before her 45th birthday. Sister Nancy, also a lifetime smoker, died of emphysema after Dick. Dick's first wife, Blitz, who smoked Viceroys—a non-RJR brand that she surreptitiously stored in a Winston pack around the family—died of colon cancer at 52. Dick's second wife, Marianne, the mother of Patrick, died of a heart ailment aggravated by smoking.

It's important to note that the story didn't turn out the same way for the other branch of the Reynolds family. As early as the 1870s, R.J. Senior's brother, Abram, was worried about the "sinfulness" of tobacco and said that if the Lord wanted him to quit manufacturing "chew," he would find a way. Abram—a staunch Christian and the only known teetotaler in the Reynolds family—did give up his tobacco business shortly after the turn of the century. With his prodigal son, R.S., who had quit RJR to return home to Bristol, Abram helped create U.S. Foil, which later became Reynolds Aluminum.

The reader is left to muse between the lines at whether 40-year-old Patrick, the Hollywood actor turned vocal arch-enemy of smoking, has really grasped the full impact and ethical dilemma of his tarred legacy. He makes a back-bending effort at balanced treatment, discussing at length the legion of philanthropic foundations created in the Reynolds name.

But Reynolds finally begs the toughest question: "Who is to be held accountable for the 10 million Americans who have died prematurely from smoking?" In fact, in the last sentence of the book, when he uses the word "unwittingly" to refer to the damage inflicted by the product his elders made so famous, Patrick Reynolds undercuts the impact of his entire work.

—Georgann Eubanks

Big Sugar: Seasons in the Canefields of Florida. Alec Wilkinson. *Knopf, $18.95.* Harold Ross, founding editor of *The New Yorker,* once remarked that his magazine was not for the little old lady from Dubuque. Perhaps as penance for this affront to the heartland, *The New Yorker* has in recent years run quite a few pieces on agriculture.

The magazine deserves praise for this. The agricultural economy is one of America's great neglected stories, and the handful of writers who cover this unglamorous subject often do important work for which they receive inadequate recognition. (*The Washington Post*'s underappreciated Ward Sinclair, one of the best agrijournalists, recently left to become an organic farmer.) Unfortunately, *The New Yorker* has approached the subject in its characteristically literal-minded fashion, crop by crop. In a series of stories that appeared in the mid-1980s, E.J. Kahn Jr. wrote about corn, potatoes, wheat, rice, and soybeans.

Now Alec Wilkinson has taken on sugar. Unlike Kahn's pieces, Wilkinson's focus is on the labor conditions of agricultural workers. Specifically, Wilkinson writes about the West Indians, most of them Jamaican, who

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come each winter to south Florida to perform what Wilkinson calls "the most perilous work in America." That's an exaggeration; judging from Wilkinson's description, cutting sugarcane in Florida doesn't sound as dangerous as, say, mining coal in Pennsylvania.

Clearly, however, a combination of factors—low pay, brutally long hours, authoritarian work rules, and yes, physical hazards, chief among them being cut by a knife or piercing an eye or an eardrum on a sharp cane leaf—makes cutting sugarcane a lousy job. Even the poorest American citizens spurn the work. As a result, sugarcane growers end up importing 10,000 cutters annually to do the job. They are the largest group of foreign workers regularly admitted to the U.S.

"To watch a West Indian wield a cane knife is to see a centuries-old art," proclaims the narrator of an idiotic public-relations movie made by the Florida Cane League. In fact, Wilkinson writes, most West Indians never held a cane knife before they arrived in Florida. These guest workers make good employees mainly because they are desperate to earn cash to take back to the Third World, and because they know if they get out of line—for example, by threatening to strike—they risk immediate deportation.

Growers started importing West Indians to cut sugar only after the U.S. Sugar Corporation was indicted in 1942 for its harsh treatment of its American black employees; apparently coercion has always been a crucial element to success in south Florida sugarcane farming.

Information like this makes *Big Sugar* intermittently gripping, but overall, Wilkinson's book is difficult to get through.

As is often the case with *New Yorker* journalism (even, alas, in the post-Shawn era), Wilkinson seems less concerned with framing an argument or narrative than with creating a little democracy of facts where the number of buzzards the author sees flying over a canefield one day is as important as the revelation that the Labor Department official responsible for the welfare of the foreign workers has never challenged a single firing.

The book is especially bad at explaining precisely how the cutters get paid. Wilkinson says the system is deliberately complicated in order to confuse outsiders and allow growers to falsify the number of hours cutters work. I'm convinced this is true, but after reading Wilkinson's lengthy explanation I still haven't a clue about how the con actually works.

Although Wilkinson worked several years on this book, he doesn't seem to have thought very hard about what his mountain of facts means.

Here's my suggestion: U.S. quotas and tariffs on sugar (discussed in a paltry one and a half of *Big Sugar*'s 264 pages) should be abolished. It's insane for the U.S. government to prop up an enterprise that not only depends so heavily on the exploitation of foreign workers but also helps impoverish countries like Jamaica that might otherwise develop thriving sugar industries of their own.

—*Timothy Noah*

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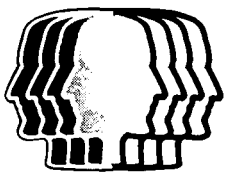

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